

STATEMENTS ON INTRODUCED
BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself, Mr. REID, Mr. MOYNIHAN, Mr. BRYAN, Mr. BROWN, Mr. CAMPBELL, Mr. MACK, Mr. GRAHAM, Mrs. BOXER, Mrs. FEINSTEIN, and Mr. ROBB):

S. 811. A bill to authorize research into the desalinization and reclamation of water and authorize a program for States, cities, or qualifying agencies desiring to own and operate a water desalinization or reclamation facility to develop such facilities, and for other purposes; to the Committee on Environment and Public Works.

THE WATER DESALINIZATION RESEARCH AND
DEVELOPMENT ACT OF 1995

Mr. SIMON. Mr. President, I am introducing a bill today which is being cosponsored by Senator REID of Nevada, Senator MOYNIHAN of New York, Senator BRYAN of Nevada, Senator BROWN of Colorado, Senator Nighthorse Campbell of Colorado, Senator MACK of Florida, Senator GRAHAM of Florida, Senator BOXER of California, Senator FEINSTEIN of California, and Senator ROBB of Virginia.

It is legislation that has, frankly, passed this body twice but has gotten mired down not because of controversy but because of jurisdictional problems over in the other body. It is a bill that says we have to do more in the area of research on finding less expensive ways of converting salt water to fresh water.

I do not have a chart here of the world population and water supply, I regret to say. I will get that later when we are on the floor for discussion. But it would be dramatic. We have in the world today somewhere between 5.5 billion and 5.8 billion people. By the middle of the next century, when these pages will be around, in the middle of the next century, we will have around 10 billion people. The world population is going up like this. Our water supply is not going up. It is constant. You do not need to be an Einstein to recognize that we are headed for problems. This is not new.

On April 12, 1961, President John F. Kennedy was asked at a press conference what would be the great breakthrough he would like to see in his administration. He responded:

We have made some exceptional scientific advances in the last decade. They are not as spectacular as the man in space or the first Sputnik, but they are important. I have said that I thought that if we could ever competitively, at a cheap rate, get fresh water from salt water, that it would be in the long-range interests of humanity which would really dwarf any other scientific accomplishments. I am hopeful that we will intensify our efforts in that area.

And for a short time after his Presidency, we were doing some things in this area, and then because there is not an immediate problem, interest diminished and research has diminished. Yet, we face some very serious problems. We know already about what is happening in California. The interesting thing is

that the areas where we have severe water shortages frequently are right at the water's edge. California has problems. I was just reading about Tampa, FL, the other day. Virginia Beach, VA, has problems. These are areas right at the water's edge.

Our problems, frankly, Mr. President, are very minor compared to the problems in the rest of the world. If we can look at my next chart here, this is what is happening in terms of water shortages versus water scarcity. The nations in blue face water scarcity, and water shortage are the nations in red. You will see what is happening very clearly. When you talk about water scarcity, you are talking about nations where the average water consumption is dramatically less—less than half of what we consume in the United States per person in terms of water. They face very severe problems.

So those are the figures in blue, going from 7 nations in 1955 to 20 nations in 1990, and 34 nations are anticipated to have serious problems by the year 2025.

In the Middle East, it is very interesting that you had President Sadat, who was a giant in this century, saying, "Egypt will never go to war again for land. If we go to war, it will be for water." In the Middle East, also, both Prime Minister Rabin and King Hussein have said, "The potential for conflict in our area is because of water." The agreement that has been worked out between Jordan and Israel includes an agreement on water. It is just vital. Mauritania on the northern coast of Africa, when I was there a few years ago, was growing 8 percent of their own food. It is a desperately poor country right on the ocean. We do have a process of converting salt water to fresh water, inexpensive enough that we can use it for drinking water. But 85 percent of the water that we use is used for industrial and agricultural purposes. And it is not inexpensive enough to use for those purposes.

Spain is experiencing a drought right now. Spain has a number of desalination plants, but they face major long-term problems. Greece and Cyprus have a very similar situation. You can go through a whole series of countries. The Cape Verde islands are totally dependent on desalination, except for very, very minimal rain fall that they get. Egypt, right on the Mediterranean, has a mushrooming population. If the Presiding Officer has not had a chance to visit Egypt, I hope he will one of these years. You see that population in the capital city and you know people have to eat and they have to drink. Egypt is dependent on 2 percent of its land. Yet, it is right on the Mediterranean. It potentially can be a garden spot. We have to turn that around.

Senator REID joined me, I guess about 3 years ago, on a trip where we looked at some water spots, including the Aral Sea. We looked in Uzbekistan. The Aral Sea was the fourth largest body of water in the world, and the

Aral Sea, Mr. Khrushchev was told, "You can divert some of the water for cotton growing and it will eventually get back into the Aral Sea." And, in the old Soviet Union, when the boss said, "Do this," it was done. And the water began to recede.

Senator REID and I stood at the banks of the Aral Sea and looked down 50 or 75 feet to dry land. The dramatic scene there was because shipowners—of course, not shipowners, but the people who ran them; everything was owned by the Soviet Union—the people who ran the ships were told, "Just keep your ships there, the water will come back." The water did not come back. And you had this dramatic scene of ships sitting on dry land, 50 miles from where the water is.

It is a powerful thing. We have had headlines about oil shortages and gasoline shortages. Let me tell my colleagues, they are minor compared to the headlines we are going to have in another decade or two if we do not get ahold of this question of converting salt water to fresh water more inexpensively. What we are asking in this legislation that has now twice passed this body unanimously is that we devote some of our resources to this cause. It is extremely important. Water is absolutely essential for the survival of humanity.

UNICEF, the United Nations Children's Fund, tells us that 35,000 children worldwide die each day, the majority on the African Continent, either from hunger or disease caused either by lack of water or by contaminated water. I wrote to Secretary General Boutros Boutros-Ghali some time ago about what I am doing, and he wrote back:

I am particularly pleased to hear of your interest in water issues and the legislation you are sponsoring on research on less costly desalinization methods. As you rightly point out, such concerns are uppermost in the minds of people in regions where fresh water is scarce, not least in my own part of the world. During my tenure as a Secretary General, I will do my utmost to promote international cooperation regarding this most crucial resource.

This may seem like something someone from Illinois or Oklahoma should not be that much interested in. It affects all of us. It affects the future stability of the world, and it affects us even very directly in terms of prices. When California does not get enough water, fruits, and vegetables from California are going to cost more in Oklahoma and in Illinois. But it is much more significant than that. If we do not find a less expensive way of converting salt water to fresh water, and more than 90 percent of the world's water is salt water, the world is headed for some very, very difficult times. I hope we will pass this legislation and do the responsible thing.

I have one more chart here showing what is happening in the United States alone. The United States, again, does not face problems anywhere near as severe as the rest of the world. But you

see the water availability is the blue line and you see it going down like this. You see our population going up. It is clearly a problem that the United States has to face and the world has to face.

I am pleased to have bipartisan co-sponsorship. I am pleased this body has passed this legislation before. I hope we will do it again, and I hope our friends in the House can get the jurisdictional problems solved and we can pass it over there. I believe it is genuinely non-controversial and is clearly needed by this country and by the world.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 811

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Water Desalination Research and Development Act of 1995".

SEC. 2. DECLARATION OF POLICY.

In view of the increasing shortage of usable surface and ground water in many parts of the United States and the world, it is the policy of the United States to—

(1) perform research to develop low-cost alternatives for desalination of saline water and reclamation of nonusable nonsaline water to provide water of a quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses; and

(2) provide, through cooperative activities with local sponsors, desalination and water reclamation processes and facilities that provide proof-of-concept demonstrations of advanced technologies for the purpose of developing and conserving the water resources of this Nation and the world.

SEC. 3. DEFINITIONS.

In this Act:

(1) **DESALINIZATION.**—The term "desalination" means the use of any process or technique (by itself or in conjunction with other processes or techniques) for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from saline water.

(2) **NONUSABLE NONSALINE WATER.**—The term "nonusable nonsaline water" that is not saline water but, because it contains biological or other impurities, is not usable water.

(3) **RECLAMATION.**—The term "reclamation" means the use of any process or techniques (by itself or in conjunction with other processes or techniques) for the removal and, when feasible, adaptation to beneficial use, of organic and inorganic elements and compounds from nonusable nonsaline water.

(4) **SALINE WATER.**—The term "saline water" means sea water, brackish water, and other mineralized or chemically impaired water.

(5) **SPONSOR.**—The term "sponsor" means a local, State, or interstate agency responsible for the sale and delivery of usable water that has the legal and financial authority and capability to provide the financial and real property requirements needed for a desalination or reclamation facility.

(6) **UNITED STATES.**—The term "United States" means the States of the United States, the District of Columbia, the Com-

monwealth of Puerto Rico, and the territories and possessions of the United States.

(7) **USABLE WATER.**—The term "usable water" means water of a high quality suitable for environmental enhancement, agricultural, industrial, municipal, and other beneficial consumptive or nonconsumptive uses.

SEC. 4. RESEARCH AND DEVELOPMENT.

(a) **IN GENERAL.**—In order to gain basic knowledge concerning the most efficient means by which usable water can be produced from saline or nonusable nonsaline water, the Secretary of the Interior, in consultation with the Secretary of the Army, shall conduct a basic research and development program under this section.

(b) **CONTENTS OF PROGRAM.**—For the basic research and development program, the Secretary of the Interior shall—

(1) conduct, encourage, and promote fundamental scientific research and basic studies to develop the best and most economical processes and methods for converting saline water and nonusable nonsaline water into usable water through research grants and contracts—

(A) to conduct research and technical development work;

(B) to make studies in order to ascertain the optimum mix of investment and operating costs;

(C) to determine the best designs for different conditions of operation; and

(D) to investigate increasing the economic efficiency of desalination or reclamation processes by using the processes as dual-purpose co-facilities with other processes involving the use of water;

(2) study methods for the recovery of by-products resulting from the desalination or reclamation of water to offset the costs of treatment and to reduce the environmental impact from those byproducts; and

(3) prepare a management plan for conduct of the research and development program established under this section.

(c) **COORDINATION WITH OTHER AGENCIES.**—

(1) **IN GENERAL.**—The Secretary of the Interior shall conduct activities under this section in coordination with—

(A) the Department of Commerce, specifically with respect to marketing and international competition; and

(B)(i) the Departments of Defense, Agriculture, State, Health and Human Services, and Energy;

(ii) the Environmental Protection Agency;

(iii) the Agency for International Development; and

(iv) other concerned public and private entities.

(2) **OTHER AGENCIES.**—In addition to the agencies identified in paragraph (1), other interested agencies may furnish appropriate resources to the Secretary of the Interior to further the activities in which such other agencies are interested.

(d) **AVAILABILITY OF RESEARCH.**—All research sponsored or funded under this section shall be carried out in such a manner that information, products, processes, and other developments resulting from Federal expenditures or authorities shall (with exceptions necessary for national defense and the protection of patent rights) be available to the general public.

(e) **RELATIONSHIP TO ANTITRUST LAWS.**—Section 10 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5909) shall apply to the activities of persons in connection with grants and contracts made by the Secretary of the Interior under this section.

SEC. 5. DESALINIZATION DEVELOPMENT PROGRAM.

(a) **IN GENERAL.**—The Secretary of the Interior and the Secretary of the Army shall jointly—

(1) conduct a desalination development program; and

(2) in connection with the program, design and construct desalination facilities.

(b) **SELECTION OF DESALINIZATION DEVELOPMENT FACILITIES.**—

(1) **APPLICATION.**—A sponsor shall submit to the Secretary of the Interior and Secretary of the Army an application for the design and construction of a facility and certification that the sponsor will provide the required cost sharing.

(2) **SELECTION.**—Facilities shall be selected subject to availability of Federal funds.

(c) **COST SHARING.**—

(1) **INITIAL COST.**—The initial cost of a facility shall include—

(A) design costs;

(B) construction costs;

(C) lands, easements, and rights-of-way costs; and

(D) relocation costs.

(2) **MINIMUM SPONSOR SHARE.**—The sponsor for a facility under the desalination development program shall pay, during construction, at least 25 percent of the initial cost of the facility, including providing all lands, easements, and rights-of-way and performing all related necessary relocations.

(3) **MAXIMUM FEDERAL SHARE.**—The Secretary of the Interior and Secretary of the Army shall pay not more than \$10,000,000 of the initial cost of a facility.

(d) **OPERATION AND MAINTENANCE.**—Operation, maintenance, repair, and rehabilitation of a desalination facility shall be the responsibility of the sponsor of the facility.

(e) **REVENUE.**—All revenue generated from the sale of usable water from a desalination facility shall be retained by the sponsor of the facility.

SEC. 6. MISCELLANEOUS AUTHORITIES.

In carrying out sections 5 and 6, the Secretary of the Interior and the Secretary of the Army may—

(1) accept technical and administrative assistance from a State or other public entities and from private persons in connection with research and development activities relating to desalination and reclamation of water;

(2) enter into contracts or agreements stating the purpose for which the assistance is contributed and, in appropriate circumstances, providing for the sharing of costs between the Secretary and such entities or persons;

(3) make grants to educational and scientific institutions;

(4) contract with educational and scientific institutions and engineering and industrial firms;

(5) by competition or noncompetitive contract or any other means, engage the services of necessary personnel, industrial and engineering firms, and educational institutions;

(6) use the facilities and personnel of Federal, State, municipal, and private scientific laboratories;

(7) contract for or establish and operate facilities and tests to conduct research, testing, and development necessary for the purposes of this Act;

(8) acquire processes, data, inventions, patent applications, patents, licenses, lands, interests in lands and water, facilities, and other property by purchase, license, lease, or donation;

(9) assemble and maintain domestic and foreign scientific literature and issue pertinent bibliographical data;

(10) conduct inspections and evaluations of domestic and foreign facilities and cooperate and participate in their development;

(11) conduct and participate in regional, national, and international conferences relating to the desalinization of water;

(12) coordinate, correlate, and publish information which will advance the development of the desalinization of water; and

(13) cooperate with Federal, State, and municipal departments, agencies and instrumentalities, and with private persons, firms, educational institutions, and other organizations, including foreign governments, departments, agencies, companies, and instrumentalities, in effectuating the purposes of this Act.

SEC. 7. DESALINIZATION CONFERENCE.

(a) ESTABLISHMENT.—The President is requested to instruct the Administrator of the Agency for International Development to sponsor an international desalinization conference within 1 year after the date of enactment of this Act.

(b) PARTICIPANTS.—Participants in the conference under subsection (a) should include scientists, private industry experts, desalinization experts and operators, government officials from the nations that use and conduct research on desalinization, and government officials from nations that could benefit from low-cost desalinization technology (particularly nations in the developing world), and international financial institutions.

(c) PURPOSE.—The conference under subsection (a) shall—

(1) explore promising new technologies and methods to make affordable desalinization a reality in the near term; and

(2) propose a research agenda and a plan of action to guide longer-term development of practical desalinization applications.

(d) FUNDING.—

(1) AID FUNDS.—Funding for the conference under subsection (a) may come from operating or program funds of the Agency for International Development.

(2) OTHER NATIONS.—The Agency for International Development shall encourage financial and other support from other nations, including those that have desalinization technology and those that might benefit from such technology.

SEC. 8. REPORTS.

(a) IN GENERAL.—Not later than 1 year after following the date of enactment of this Act, and annually thereafter, the Secretary of the Interior, in consultation with the Secretary of the Army, shall prepare a report to the President and Congress concerning the administration of this Act.

(b) CONTENTS.—A report under subsection (a) shall describe—

(1) the actions taken by the Secretary of the Interior and the Secretary of the Army during the calendar year preceding the year in the report is submitted; and

(2) the actions planned for the following calendar year.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) RESEARCH AND DEVELOPMENT.—There are authorized to be appropriated to carry out section 4—

(1) \$5,000,000 for fiscal year 1996;

(2) \$10,000,000 for fiscal year 1997; and

(3) such sums as are necessary for fiscal years 1998, 1999, and 2000.

(b) DESALINIZATION DEVELOPMENT PROGRAM.—There are authorized to be appropriated to carry out section 5 such sums as are necessary, up to a total of \$50,000,000, for fiscal years 1996, 1997, 1998, 1999, and 2000, of which 50 percent shall be made available to the Department of the Interior and 50 percent shall be made available to the civil works program of the Army Corps of Engineers.

By Mr. THURMOND:

S. 812. A bill to establish the South Carolina National Heritage Corridor, and for other purposes; to the Committee on Energy and Natural Resources.

THE SOUTH CAROLINA NATIONAL HERITAGE
CORRIDOR ACT OF 1995

Mr. THURMOND. Mr. President, I rise today, along with Senator HOLLINGS, to introduce the South Carolina National Heritage Corridor Act of 1995. This legislation would establish a framework to help protect, conserve, and promote the natural, historical, cultural, and recreational resources of the region which have national significance. A companion bill, H.R. 1553, was introduced in the House of Representatives on May 3, 1995.

Specifically, this legislation would establish a national heritage corridor in South Carolina running from the western Piedmont down along the Savannah Valley toward Augusta, GA, then following the route of the old Charleston to Hamburg Railroad along the Ashley River Road to Charleston. This route contains 14 South Carolina counties: Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston.

Further, this measure would establish a 23 member Commission, consisting of county representatives, South Carolina State officials, and Federal officials, including the Director of the National Park Service. It authorizes the Commission to oversee the development and implementation of a corridor management action plan. This plan will inventory the resources of the heritage corridor and discuss advisory standards for the use and promotion of those resources. Mr. President, let me emphasize that this legislation protects private property rights and will not interfere with local land use ordinances or plans.

The legislation requires the active participation of the Secretary of the Interior, who shall appoint Commission members, approve the corridor management action plan, provide assistance to the Commission, and report to Congress on the actions taken to carry out the act.

Finally, this legislation requires that the Federal cost share percentage, including annual operating expenses, may not exceed 50 percent. However, non-Federal matching funds may be not only cash, but also services or in-kind contributions.

Mr. President, the heritage corridor concept is a technique that has been used successfully in various parts of our Nation to promote historic preservation, natural resource protection, tourism, and economic revitalization for both urban and rural areas. Congress, recognizing that heritage corridors provide a flexible framework for governmental and private organizations to work together on a coordinated regional basis, has recognized and formally designated numerous her-

itage corridor areas throughout the Nation. Many more are in various stages of planning or development.

The initiative to develop the South Carolina National Heritage Corridor is an outgrowth of a grassroots effort in my home State to promote the history, culture, natural resources, and economy of the region. County visitor councils, historical societies, and other private and government entities are now participating in this project.

The corridor project was awarded a Federal grant for a demonstration project linking cultural and economic development. Another grant has been awarded to conduct a feasibility study and plan for the development and management of the corridor. That work is well underway and will be completed this year.

As a result of those planning efforts, the corridor project has conducted a thorough asset inventory and is exploring management and marketing alternatives. The enactment of this legislation, to provide for national recognition, will permit the heritage corridor project to broaden its efforts to preserve and promote the resources of the corridor and to expand tourism and economic development in the region.

Mr. President, I would like to describe some of the historic, cultural, and natural resources and sites of national significance which are contained in the South Carolina National Heritage Corridor. Let me begin by referencing correspondence between Dr. Rodger E. Stroup of the South Carolina State Museum and Ms. Joan Davis of the South Carolina Department of Parks, Recreation and Tourism. In his letter, Dr. Stroup describes the path of the corridor, noting many specific sites and areas of national significance. I ask unanimous consent that a copy of Dr. Stroup's correspondence be printed in the RECORD following these remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. THURMOND. In many respects, the heritage corridor forms a microcosm of the lower South and its history. In the upper region of the corridor, during the 1750's and 1760's, settlers and migrants came in search of rich lands. This area became a center of cotton and agricultural production. As westward lands opened up for settlement, it was a major jumping off point for migration during the antebellum years.

Significant events in the industrial and transportation history of the South took place in the corridor. Graniteville was the birthplace of the southern textile industry. It is the site of the first large-scale cotton mill in the South, built in 1845. This became one of the most important manufacturing centers in the pre-Civil-War South, a model for the textile industry. Located on one of the South's major cotton routes, it remains a textile center today. To accommodate the westward moving cotton crop, South Carolina

merchants built the Charleston to Hamburg railroad, the longest railroad in the Nation in 1832. The corridor also contains precious natural resources. The Francis Beidler Forest contains the largest remaining virgin stand of bald cypress and tupelo trees in the world. Additionally, the Cathedral Bay Heritage Wildlife Preserve contains unique geological features known as the Carolina Bays. These oval depressions in the earth, the origin of which remains a mystery, hold black water lakes. The significant riverine and estuarine systems of the ACE Basin form an ecologically diverse area which contains rare plants and serves as a wildlife and waterfowl habitat.

Finally, Mr. President, located within the corridor are numerous historical sites and national historic landmarks. For example, Middleton Place, on the banks of the Ashley River is an 18th century plantation and the site of America's oldest landscaped gardens. It has survived revolution, civil war, and natural disasters. It was home to Henry Middleton, President of the Continental Congress and his son, Arthur, a signer of the Declaration of Independence. Battlefields of both the Revolutionary War and of the Civil War are located in the corridor. Of great historical significance is the Burt-Stark House in Abbeville. At this site, less than a month after General Lee's surrender at Appomattox, the President of the Confederate States of America, Jefferson Davis, counseled with his generals on the conduct of the war. A decision was reached at this meeting to disband the Armies of the Confederacy.

Mr. President, these are just a few examples of the richness of this corridor. The corridor has much more to offer; much that reminds us of where we have been as a nation and where we are today. These and other attractions are representative of the merging of several cultures along the corridor—African, Caribbean, European, and native American. This legislation will assist the communities throughout the heritage corridor who are committed to the conservation and development of these assets.

Mr. President, the effort to establish a heritage corridor in South Carolina has broad support. The Governor of South Carolina, David Beasley, supports this endeavor. Various State agencies are working on this project, continuing the efforts which began under the direction of our former Governor, Carroll Campbell. I ask unanimous consent that a letter of support from Governor Beasley be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. THURMOND. Mr. President, I urge my colleagues to support this legislation. Further, I ask unanimous consent that the text of this bill be printed in the CONGRESSIONAL RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 812

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "South Carolina National Heritage Corridor Act of 1995".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds that—

(1) the South Carolina National Heritage Corridor, more than 250 miles in length, possesses a wide diversity of significant rare plants, animals, and ecosystems, agricultural and timber lands, shellfish harvesting areas, historic sites and structures, and cultural and multicultural landscapes related to the past and current commerce, transportation, maritime, textile, agricultural, mining, cattle, pottery, and national defense industries of the region, which provide significant ecological, natural, tourism, recreational, timber management, educational, and economic benefits;

(2) there is a national interest in protecting, conserving, restoring, promoting, and interpreting the benefits of the Corridor for the residents of, and visitors to, the Corridor area;

(3) a primary responsibility for conserving, preserving, protecting, and promoting the benefits resides with the State of South Carolina and the units of local government having jurisdiction over the Corridor area; and

(4) in view of the longstanding Federal practice of assisting States in creating, protecting, conserving, preserving, and interpreting areas of significant natural and cultural importance, and in view of the national significance of the Corridor, the Federal Government has an interest in assisting the State of South Carolina, the units of local government of the State, and the private sector in fulfilling the responsibilities described in paragraph (3).

(b) PURPOSES.—The purposes of this Act are—

(1) to protect, preserve, conserve, restore, promote, and interpret the significant land and water resource values and functions of the Corridor;

(2) to encourage and support, through financial and technical assistance, the State of South Carolina, the units of local government of the State, and the private sector in the development of a management action plan for the Corridor to ensure coordinated public and private action in the Corridor area in a manner consistent with subsection (a);

(3) to provide, during the development of an integrated Corridor Management Action Plan, Federal financial and technical assistance for the protection, preservation, and conservation of land and water areas in the Corridor that are in danger of being adversely affected or destroyed;

(4) to encourage and assist the State of South Carolina and the units of local government of the State to identify the full range of public and private technical and financial assistance programs and services available to implement the Corridor Management Action Plan;

(5) to encourage adequate coordination of all government programs affecting the land and water resources of the Corridor; and

(6) to develop a management framework with the State of South Carolina and the units of local government of the State for—

(A) planning and implementing the Corridor Management Action Plan; and

(B) developing policies and programs that will preserve, conserve, protect, restore, en-

hance, and interpret the cultural, historical, natural, economic, recreational, and scenic resources of the Corridor.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the South Carolina National Heritage Corridor Commission established by section 5.

(2) CORRIDOR.—The term "Corridor" means the South Carolina National Heritage Corridor established by section 4.

(3) CORRIDOR MANAGEMENT ACTION PLAN.—The term "Corridor Management Action Plan" means the management action plan developed under section 7.

(4) GOVERNOR.—The term "Governor" means the Governor of the State of South Carolina.

(5) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 4. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR.

(a) ESTABLISHMENT.—There is established in the State of South Carolina the South Carolina National Heritage Corridor.

(b) BOUNDARIES.—

(1) IN GENERAL.—The boundaries of the Corridor are generally the boundaries of the western counties of the State of South Carolina, extending from the western Piedmont along the Savannah Valley to Augusta, Georgia, along the route of the old Southern Railroad, along the Ashley River to Charleston.

(2) INCLUDED COUNTIES.—The Corridor shall consist of the following counties of South Carolina, in part or in whole, as the Commission may specify on the recommendations of the units of local government within the Corridor area:

- (A) Oconee.
- (B) Pickens.
- (C) Anderson.
- (D) Abbeville.
- (E) Greenwood.
- (F) McCormick.
- (G) Edgefield.
- (H) Aiken.
- (I) Barnwell.
- (J) Orangeburg.
- (K) Bamberg.
- (L) Dorchester.
- (M) Colleton.
- (N) Charleston.

(3) DETAIL.—The boundaries shall be specified in detail in the Corridor Management Action Plan.

SEC. 5. SOUTH CAROLINA NATIONAL HERITAGE CORRIDOR COMMISSION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established the South Carolina National Heritage Corridor Commission.

(2) RESPONSIBILITIES.—The Commission shall assist Federal, State, and local authorities and the private sector in developing and implementing the Corridor Management Action Plan.

(b) MEMBERSHIP.—The Commission shall be composed of 23 members, appointed by the Secretary as follows:

(1) One member shall be the Director of the National Park Service, or a delegate of the Director, who shall be a nonvoting member.

(2) Six members shall be appointed from among recommendations submitted by the Governor, as follows:

(A) One member shall represent the interests of the South Carolina Department of Parks, Recreation, and Tourism or a successor agency to the department.

(B) One member shall represent the South Carolina Department of Natural Resources or a successor agency to the department.

(C) One member shall represent the South Carolina Arts Commission or a successor agency of the commission.

(D) One member shall represent the South Carolina Museum Commission or a successor agency to the commission.

(E) One member shall represent the South Carolina State Historic Preservation Office or a successor agency to the office.

(F) One member shall represent the South Carolina Department of Commerce or a successor agency to the department.

(3) Fourteen members shall be appointed from among recommendations submitted by the county commissioners, of which 1 member shall be appointed from each of the counties of Oconee, Pickens, Anderson, Abbeville, Greenwood, McCormick, Edgefield, Aiken, Barnwell, Orangeburg, Bamberg, Dorchester, Colleton, and Charleston of the State of South Carolina. The recommendations submitted by each county shall be based on recommendations from community visitor councils located within the county.

(4) One member with knowledge and experience in the field of historic preservation shall be appointed from among recommendations submitted by the Director of the National Park Service.

(5) One member shall be appointed from among recommendations submitted by the South Carolina Downtown Development Association.

(c) PERIOD OF APPOINTMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), each member of the Commission shall be appointed to serve a term of 3 years and, on expiration of a term, may be reappointed to serve for 1 or more additional terms.

(2) LIMITED APPOINTMENTS.—The members appointed under subsection (b) (2), (4), and (5) shall be appointed to serve a term of 2 years and, on expiration of a term, may be reappointed to serve for 1 or more additional terms.

(d) INITIAL APPOINTMENTS.—The Secretary shall appoint the initial members of the Commission not later than 180 days after the date of enactment of this Act.

(e) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the initial appointment was made. A member of the Commission appointed to fill a vacancy shall serve for the remainder of the term for which the initial member was appointed. A member of the Commission appointed for a definite term may serve after the expiration of the term until a successor is appointed.

(f) CHAIRPERSON.—The members of the Commission shall elect a Chairperson from among the members of the Commission. The Chairperson shall serve as Chairperson for the duration of the term for which the Chairperson was appointed.

(g) QUORUM.—A simple majority of Commission members shall constitute a quorum, but a lesser number may hold meetings. The affirmative vote of not less than 11 members of the Commission shall be required to approve the budget of the Commission.

(h) MEETINGS.—The Commission shall meet at least quarterly or at the call of the Chairperson or a majority of its members. Meetings of the Commission shall be subject to section 552b of title 5, United States Code.

(i) PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall serve without compensation. Each member of the Commission who is an officer or employee of the Federal Government shall serve without compensation in addition to compensation received for service as an officer or employee of the Federal Government.

(2) TRAVEL EXPENSES.—The members of the Commission, when engaged in Commission business, shall be allowed travel expenses, including per diem in lieu of subsistence, at

rates authorized for persons employed intermittently in the Government service under section 5703 of title 5, United States Code.

(j) STAFF.—

(1) IN GENERAL.—The Commission may, without regard to civil service laws (including regulations), appoint and fix the compensation of such staff members as are necessary to enable the Commission to carry out its duties. The Commission may appoint a Director and other officers as the Commission considers necessary or appropriate. The Commission may appoint to the staff such specialists as the Commission considers necessary or appropriate to carry out the duties of the Commission, including specialists in the areas of planning, community development, interpretive services, historic preservation, recreation, natural resources, commerce and industry, education, financing, and public relations.

(2) COMPENSATION.—The Commission may fix the compensation of the Director and other staff members without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that no staff member may receive pay in excess of the annual rate payable for grade level GS-15 of the General Schedule.

(k) EXPERTS AND CONSULTANTS.—Subject to such rules as the Commission may adopt, the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates determined by the Commission to be reasonable.

(l) DETAIL OF GOVERNMENT EMPLOYEES.—On request of the Commission, the head of any Federal agency may detail, on a reimbursable basis, the personnel of the agency to the Commission to assist the Commission in carrying out the duties of the Commission. The Commission may accept the services of personnel detailed from the State of South Carolina, or any political subdivision of the State, and may reimburse the State or political subdivision for the services.

(m) ADMINISTRATIVE SUPPORT.—The Administrator of General Services shall provide such administrative support services as the Commission may request, on a reimbursable basis.

SEC. 6. POWERS OF THE COMMISSION.

(a) PUBLIC MEETINGS.—The Commission may, for the purpose of carrying out this Act, hold such public meetings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission considers appropriate. The Commission may not issue subpoenas or exercise subpoena authority.

(b) BYLAWS.—The Commission may make such bylaws, rules, and regulations, consistent with this Act, as the Commission considers necessary to carry out its functions under this Act.

(c) POWERS OF MEMBERS AND AGENTS.—Any member or agent of the Commission, if authorized by the Commission, may take any action that the Commission is authorized to take under this section.

(d) MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(e) USE OF FUNDS TO OBTAIN MONEY.—The Commission may use its funds to obtain money from any source under any program or law requiring the recipient of the money to make a contribution in order to receive the money.

(f) RETENTION OF REVENUES.—The Commission may retain revenue from the sale or lease of any goods or services.

(g) GIFTS.—Notwithstanding any other law, the Commission may seek and accept gifts,

bequests, and donations of funds, property, or services from private individuals, foundations, corporations, and other private entities, and from public entities for the purpose of carrying out its duties. For purposes of section 170(c) of the Internal Revenue Code of 1986, any donation to the Commission shall be considered to be a gift to the United States.

(h) ACQUISITION AND DISPOSITION OF REAL PROPERTY.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the Commission may not acquire real property or an interest in real property.

(2) CONDITIONS FOR ACQUISITION.—Subject to paragraph (3), the Commission may acquire real property or an interest in real property in the Corridor—

(A) by gift or devise;

(B) by purchase from a willing seller using donated or appropriated land acquisition funds; or

(C) by exchange.

(3) CONVEYANCE.—Any real property or interest in real property acquired by the Commission shall be conveyed by the Commission to an appropriate public agency or private nonprofit organization, as determined by the Commission—

(A) as soon as practicable after the acquisition; and

(B) on the condition that the real property or interest in real property limits use of the property to uses that are consistent with this Act.

(4) DISPOSAL OF PROPERTY.—The Commission may, with approval of the Secretary, sell any real property or interest in real property acquired pursuant to paragraph (2) (A) or (B) and retain the revenue from the sale.

(i) TECHNICAL ASSISTANCE.—For the purposes of implementing the Corridor Management Action Plan, the Commission may provide technical assistance to Federal agencies, the State of South Carolina, political subdivisions of the State, and persons (including corporations).

(j) ADVISORY GROUPS.—The Commission may establish public technical advisory groups to assist the Commission in carrying out the duties of the Commission with respect to the areas of economic development, historic preservation, natural resources, tourism, recreation and open space, and transportation. The Commission may establish such additional advisory groups as are necessary to carry out the duties of the Commission and ensure open communication with and assistance from interested persons (including organizations), the State of South Carolina, and political subdivisions of the State.

(k) LOCAL AUTHORITY AND PRIVATE PROPERTY RIGHTS.—Nothing in this Act shall be construed to authorize the Commission to interfere with—

(1) the rights of any person with respect to private property; or

(2) any local land use ordinance or plan of the State of South Carolina or a political subdivision of the State.

SEC. 7. DUTIES OF THE COMMISSION.

(a) IN GENERAL.—The Commission shall exercise powers authorized by section 6 to coordinate activities of Federal, State, and local governments and private businesses and organizations to further historic preservation, cultural conservation, natural area protection, soil conservation, timber management, and economic development in a manner consistent with this Act and in accordance with the Corridor Management Action Plan developed under subsection (b).

(b) CORRIDOR MANAGEMENT ACTION PLAN.—

(1) PERIOD FOR DEVELOPMENT.—Not later than 18 months after the date on which the

Commission conducts its first meeting, the Commission shall submit a Corridor Management Action Plan for the Corridor to the Secretary and to the Governor for review and approval.

(2) **PLAN REQUIREMENTS.**—The Corridor Management Action Plan shall take into consideration State, county, and local plans existing on the date on which the Corridor Management Action Plan is prepared. The Corridor Management Action Plan shall—

(A) provide an inventory that includes any real property in the Corridor that should be conserved, protected, preserved, restored, managed, developed, or maintained because of the natural, cultural, historic, recreational, or scenic significance of the property;

(B) provide an analysis of then current and potential land uses within the Corridor that affect the character of the Corridor;

(C) determine the boundaries of the Corridor on the basis of the information collected pursuant to subparagraphs (A) and (B);

(D) recommend advisory standards and criteria applicable to the construction, preservation, restoration, alteration, and use of real property of natural, cultural, historic, recreational, or scenic significance within the Corridor;

(E) include a heritage interpretation plan to interpret the resources and values of the Corridor and provide for appropriate educational, recreational, and tourism opportunities and development of the Corridor;

(F) identify the full range of public and private technical and financial assistance programs available to implement the Corridor Management Action Plan and detail how appropriate Federal, State, and local programs may best be coordinated to promote the purposes of this Act; and

(G) contain a coordinated implementation plan that—

(i) specifies the activities of Federal, State, and local governments in relation to the Corridor; and

(ii) includes cost estimates, schedules, and a commitment of resources for the accomplishment of the implementation plan.

(c) **APPROVAL OF PLAN.**—

(1) **APPROVAL BY GOVERNOR.**—Not later than 60 days after receiving a Corridor Management Action Plan submitted by the Commission under subsection (b), the Governor shall approve or disapprove the Corridor Management Action Plan.

(2) **APPROVAL BY SECRETARY.**—A Corridor Management Action Plan approved by the Governor under paragraph (1) shall be submitted to the Secretary for approval or disapproval. Not later than 30 days after receipt of the Corridor Management Action Plan, the Secretary shall approve or disapprove the Corridor Management Action Plan.

(3) **CRITERIA FOR DECISION.**—The Governor and the Secretary shall approve a Corridor Management Action Plan if—

(A) the Corridor Management Action Plan will adequately protect the significant natural, cultural, historic, recreational, and scenic resource values and functions of the Corridor;

(B) the Commission has afforded adequate opportunity for public involvement in the preparation of the Corridor Management Action Plan; and

(C) the Secretary and the Governor receive adequate assurances from appropriate officials of the State of South Carolina that the recommended implementation program identified in the Corridor Management Action Plan will be initiated within a reasonable time after the date of approval of the Corridor Management Action Plan.

(d) **DISAPPROVAL OF PLAN.**—

(1) **IN GENERAL.**—If the Secretary or the Governor disapproves a Corridor Management Action Plan, the Secretary or the Governor, as the case may be, shall—

(A) advise the Commission in writing of the reasons for the disapproval; and

(B) recommend revisions to the Corridor Management Action Plan.

(2) **REVISION OF DISAPPROVED PLAN.**—Not later than 90 days after the receipt of a notice of disapproval under paragraph (1), the Commission shall revise and resubmit the Corridor Management Action Plan for approval in accordance with subsection (c).

(e) **IMPLEMENTATION OF PLAN.**—

(1) **IN GENERAL.**—After the Secretary and the Governor review and approve a Corridor Management Action Plan, the Commission shall implement the Corridor Management Action Plan by taking appropriate steps to—

(A) conserve, protect, restore, preserve, and interpret the natural, cultural, and historic resources of the Corridor;

(B) promote the educational and recreational resources and opportunities with respect to the Corridor that are consistent with the resources of the Corridor; and

(C) support public and private efforts to achieve economic revitalization, in a manner consistent with the goals of the Corridor Management Action Plan.

(2) **STEPS.**—The steps referred to in paragraph (1) may include—

(A) assisting State and local governmental entities and nonprofit organizations in planning and implementing programs, projects, or activities in a manner consistent with this Act, including visitor use facilities, tour routes, and exhibits;

(B) encouraging, by appropriate means, enhanced economic development in the Corridor in a manner consistent with the goals of the Corridor Management Action Plan; and

(C) promoting public awareness and appreciation for historical, cultural, natural, recreational, and scenic resources and associated values of the Corridor.

(f) **ANNUAL REPORTS.**—

(1) **REPORT OF THE COMMISSION.**—As soon as practicable after the end of the first fiscal year in which the Commission is established, and annually thereafter, the Commission shall submit a report to the Secretary. The report shall describe, for the fiscal year that is the subject of the report—

(A) the expenses and income of the Commission; and

(B) a general description of the activities of the Commission.

(2) **REPORT OF THE SECRETARY.**—As soon as practicable after the date on which the Commission submits a report to the Secretary under paragraph (1), the Secretary shall submit a report to Congress that includes—

(A) for the fiscal year that is the subject of the report—

(i) a description of the loans, grants, and technical assistance provided by the Secretary, and from other Federal and non-Federal sources, to carry out this Act; and

(ii) an analysis of the adequacy of actions taken to carry out this Act; and

(B) a statement of the amount of funds and number of personnel that the Secretary anticipates will be made available to carry out this Act for the fiscal year following the fiscal year that is the subject of the report.

SEC. 8. TERMINATION OF THE COMMISSION.

(a) **TERMINATION.**—

(1) **IN GENERAL.**—Except as provided in subsection (b), the Commission shall terminate on the date that is 12 years after the date of enactment of this Act.

(2) **TRANSFER OF PROPERTY.**—Notwithstanding the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.),

any property or funds of the Commission remaining upon the expiration of the Commission shall be transferred by the Commission to the Secretary, to a State or local government agency, to a private nonprofit organization referred to in section 501(c)(3) of the Internal Revenue Code of 1986 that is exempt from income taxes under section 501(a) of the Internal Revenue Code of 1986, or to any combination of the foregoing.

(b) **EXTENSIONS.**—The Commission may be extended for a period of not more than 5 years beginning on the date referred to in subsection (a) if, not later than 180 days before that date—

(1) the Commission determines that an extension is necessary to carry out this Act;

(2) the Commission submits the proposed extension to the Committee on Resources of the House of Representatives and the Committee on Energy and Natural Resources of the Senate before the termination date; and

(3) the Secretary and the Governor approve the extension.

SEC. 9. DUTIES OF THE SECRETARY.

(a) **ASSISTANCE.**—On request of the Commission, and subject to the availability of funds appropriated specifically for the purpose, or made available on a reimbursable basis, the Secretary shall provide administrative, technical, financial, development, and operations assistance. The assistance may include—

(1) general administrative support in planning, finance, personnel, procurement, property management, environmental and historical compliance, and land acquisition;

(2) personnel;

(3) office space and equipment;

(4) planning and design services for visitor use facilities, trails, interpretive exhibits, publications, signs, and natural resource management;

(5) development and construction assistance, including visitor use facilities, trails, river use and access facilities, scenic byways, signs, waysides, and rehabilitation of historic structures; and

(6) operations functions, including interpretation and visitor services, maintenance, and natural resource management services conducted within the boundaries of the Corridor.

(b) **LOANS, GRANTS, AND COOPERATIVE AGREEMENTS.**—For the purposes of assisting in the development and implementation of the Corridor Management Action Plan, the Secretary may, in consultation with the Commission, make loans and grants to, and enter into cooperative agreements with, the State of South Carolina (or a political subdivision of the State), private nonprofit organizations, corporations, or other persons.

(c) **LAND TRANSFERS.**—The Secretary may accept transfers of real property from the Commission within the boundaries of the Corridor as established in the Corridor Management Action Plan.

SEC. 10. DUTIES OF OTHER FEDERAL ENTITIES.

Any Federal entity conducting or supporting activities directly affecting the Corridor shall—

(1) consult with the Secretary and the Commission with respect to such activities;

(2) cooperate with the Secretary and the Commission in carrying out their duties under this Act and, to the maximum extent practicable, coordinate those activities with the carrying out of those duties; and

(3) to the maximum extent practicable, conduct or support those activities in a manner that the Commission determines will not have an adverse effect on the Corridor.

SEC. 11. AUTHORIZATION OF APPROPRIATIONS.

(a) **IN GENERAL.**—Subject to subsection (b), there are authorized to be appropriated such sums as are necessary to carry out this Act.

(b) COST SHARING.—

(1) FEDERAL SHARE.—The Federal share of the funding provided to the Commission to carry out this Act for any year may not exceed 50 percent of the total cost of—

(A) the expenditures of the Commission for administrative matters for that year;

(B) the expenditures of the Commission for the development and implementation of the Corridor Management Action Plan for that year; and

(C) the expenditures of the Commission for land acquisition for that year.

(2) NON-FEDERAL SHARE.—The non-Federal share of the expenditures described in paragraph (1) may be in the form of cash, services, or in-kind contributions, fairly valued.

Mr. HOLLINGS. Mr. President, I am privileged today to join with Senator THURMOND in introducing the South Carolina National Heritage Corridor Act of 1995. This act aims to protect, restore, and promote the South Carolina National Historic Corridor—a 200-mile-long, 14 county swath in the western part of the State, running along the Savannah River Valley from the foothills of the Piedmont to North Augusta, at which point it follows the route of the old Hamburg-to-Charleston railroad all the way to Charleston.

This act has several objectives. It would protect the significant land and water resources of the national heritage corridor. It would support, through financial and technical assistance, the State and local governments, as well as the private sector, in developing a management action plan for the corridor. And it would create a management framework to bring together the State and local governments to jointly develop policies and programs to conserve and enhance the cultural, natural, economic, recreational, and scenic resources of the corridor.

Mr. President, the historic corridor concept has been used by a variety of public and private groups across the Nation to encourage historic and natural preservation, and to promote tourism and economic revitalization. The approach has been used successfully in the Blackstone River Valley National Heritage Corridor in Rhode Island and Massachusetts, in the lower Eastern Shore of Maryland, in the Lackawanna River Valley in Pennsylvania, and elsewhere. The heritage corridor concept offers a flexible way for government and private organizations to work together to promote economic growth and job creation.

Mr. President, with industry concentrated in a limited number of urban areas, it is no secret that small, scenic, towns, and rural areas are looking to tourism as a means of strengthening and diversifying their declining economies. The heritage corridor concept offers an opportunity for many communities to work cooperatively and pool their resources in order to boost tourism.

The South Carolina Heritage Corridor originated with a tourism committee in the city of Abbeville, SC, and has grown to include 14 counties and over 40 towns and rural communities. This is a grassroots movement that has

captured the imagination and enthusiasm of citizens across the western part of my State. The South Carolina Heritage Corridor is well conceived and holds tremendous promise for my State. I urge my colleagues' support for this important bill.

EXHIBIT 1

SOUTH CAROLINA STATE MUSEUM,
Columbia, SC.

JOAN DAVIS,
Community Development Division, S.C. Dept. of
Parks, Recreation and Tourism, Columbia,
SC.

DEAR JOAN: I am intrigued with the concept of developing a Heritage Corridor in fourteen counties along South Carolina's western boundary. Stretching from Charleston to the mountains the proposed corridor would take in all of the elements that have characterized South Carolina for the past three centuries.

Beginning in Charleston, one of the most cosmopolitan of American cities before 1860, the corridor follows the route of the old South Carolina Railroad through Colleton, Bamberg, Barnwell and into Aiken County. When completed in 1831 this was the longest railroad in the world. Prior to the civil war this area was dotted with cotton plantations, the predominant economic factor in the state's antebellum years. In Aiken's Horsecreek Valley the state's textile industry was born during the 1830's. Only a few miles away the Savannah River Site was the nation's supplier of plutonium for nuclear weapons during the Cold War years. From North August, the terminus of the old South Carolina Railroad, the proposed corridor follows the Savannah Valley to the foothills in Oconee County.

Also a major cotton producing area before 1860, Edgefield County was home to ten governors, a remarkable number for a small county. Beginning in the 1820's the production of alkaline glazed stoneware began in Edgefield and subsequently spread throughout the South. Originally produced as utilitarian storage ware, today Edgefield pottery is a highly prized collectible.

The corridor continues along the Savannah Valley through once prosperous cotton fields into Anderson County, a major center of the state's textile industry. Around Anderson one finds both traditional textile companies as well as a recent influx of major multinational corporations.

The last section of the corridor takes one to the foothills of the Appalachian Mountains. A journey through the proposed corridor encompasses all of South Carolina's past and present. From cosmopolitan Charleston in the 1700's with its wealthy merchants and rice planters to the challenges facing low income residents of the Appalachians, the corridor crosses not only the state's entire geography, but also encompasses all of the state's peoples.

Historic sites, natural resources, cultural diversity and modern manufacturing successes are all part of the proposed corridor. A visitor who journeys through the corridor certainly departs with an understanding of South Carolina's history and development, as well as an appreciation for the state's diverse geography and natural features.

This proposed corridor has several components of national significance. As the cotton culture spread through this area more and more planters became entrenched in defending slavery, contributing to the forces that lead to the Civil War. Leading proslavery advocates John C. Calhoun and James Henry Hammond lived in the corridor. As residences of the area their theories on states rights and slavery evolved from personal experiences.

After the war the development of the textile industry in the corridor changed the focus of South Carolina's economy from an agricultural to an industrial base, a phenomena which subsequently spread across the South. Finally, the location of the Savannah River Site in the center of the corridor reflects not only the Cold War strategy of the United States, but also the challenge of the cleanup facing all the nuclear production facilities across the country.

Sincerely,
RODGER E. STROUP, Ph.D.,
Director of Collections and Interpretation.

EXHIBIT 2

STATE OF SOUTH CAROLINA,
OFFICE OF THE GOVERNOR
Columbia, SC, April 5, 1995.

Hon. STROM THURMOND,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR: Developing the economies of the rural areas of our state requires that we employ creative non-traditional economic development methods. One such method is the application of a deliberate strategy to capitalize on the economic value of the rich cultural heritage and natural resources embodied in many of the rural areas of our state. Cultural or heritage tourism is one of the fastest growing trends in tourism. The resulting potential for job creation and tourism-related investment, if properly managed, can be a significant factor in the economic growth of these rural communities.

The proposed designation of a fourteen county region of our state as a South Carolina National Heritage Corridor represents a significant step forward in our efforts to recognize and capture this valuable economic resource. This is an area rich in cultural and natural resources with an important American story to tell. What happened along this corridor set in motion a style of socio-economic development that spread throughout the lower South and Southwest and eventually led to the industrialization of the region as well as war between the states. It tells the story of the development of agriculture, industry and transportation in the South.

The direct effort from the state level, I have designated the Department of Parks, Recreation and Tourism through its Community Development program, to be responsible for staffing this effort and providing a broad array of support for the South Carolina Heritage Corridor.

We all recognize the tremendous importance and long-range benefit of the initiative for South Carolina, and are particularly pleased that the proposed area includes your hometown of Edgefield.

Thank you for your assistance.

Sincerely,
DAVID M. BEASLEY,
Governor.

By Mr. MURKOWSKI:

S. 813. A bill to amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes; to the Committee on Energy and Natural Resources.

THE PENNSYLVANIA AVENUE DEVELOPMENT
CORPORATION AMENDMENT ACT

• Mr. MURKOWSKI. Mr. President, I introduced a bill, at the request of the

administration, to amend the Pennsylvania Avenue Development Corporation Act of 1972, to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes.

The bill, when enacted, would authorize appropriations for salaries and expenses for the Pennsylvania Avenue Development Corporation [PADC] for fiscal years 1996 and 1997. PADC is the agency which is responsible for the revitalization of the Pennsylvania area between the White House and the Capitol. Since PADC was created by an act of Congress in 1972, it has achieved notable success in transforming America's Main Street from "a scene of desolation," in the words of a Presidential commission formed in the late 1960's to study the condition of the avenue, to a great boulevard worthy of its role in the Nation's history and its place in the center of the Nation's Capital City.

PADC is a successful example of how Government can work in partnership with the private sector to achieve beneficial results for both. Since PADC's work began, it has spent \$120 million in appropriations to build new parks, plazas, sidewalks, and other kinds of improvements to the public areas and attracted over \$1.5 billion in private investment to the blocks on the north side of Pennsylvania Avenue. From the Willard Hotel to the Canadian Embassy, virtually every one of the buildings that one sees in walking or driving down the avenue from the Treasury Building to the Capitol has been constructed or restored since PADC began its block development program in 1978, guided by a master plan approved by Congress in 1975. Now over 20 privately funded office, retail, hotel, and residential structures border a public thoroughfare improved with seven parks and plazas and widened sidewalks.

With only a few blocks remaining uncommitted for development, PADC is close to finishing its master plan and is scheduled to terminate operation at the end of fiscal year 1997. The bill I am introducing, by request of the administration, will allow the PADC's 27-person staff to complete its original mission to economically revitalize and beautify Pennsylvania Avenue.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PENNSYLVANIA AVENUE
DEVELOPMENT CORPORATION,
Washington, DC, March 22, 1995.

Hon. ALBERT GORE,
President of the Senate,
Washington, DC.

DEAR MR. PRESIDENT: Enclosed is a draft bill, "To amend the Pennsylvania Avenue Development Corporation Act of 1972 to authorize appropriations for implementation of the development plan for Pennsylvania Avenue between the Capitol and the White House, and for other purposes." A similar package has been transmitted to the Speaker of the House.

The draft bill would amend the Pennsylvania Avenue Development Corporation Act of 1972 (86 Stat. 1266, 40 U.S.C. 871, as amended) to authorize appropriations of \$3,043,000 for fiscal year 1996 and such sums as may be necessary for fiscal year 1997 for the operating and administrative expenses of the Pennsylvania Avenue Development Corporation.

The draft bill is part of the Pennsylvania Avenue Development Corporation's legislative program for the 104th Congress. The Administration recommends the draft bill be introduced, referred to the appropriate committee for consideration, and enacted.

The Office of Management and Budget advises that there is no objection to the presentation of this legislation for consideration of Congress, and that enactment of the legislation would be in accord with the program of the President.

Sincerely,

RICHARD A. HAUSER,
Chairman.●

By Mr. MCCAIN (for himself, Mr. INOUE, and Mr. DOMENICI):

S. 814. A bill to provide for the reorganization of the Bureau of Indian Affairs, and for other purposes; to the Committee on Indian Affairs.

THE BUREAU OF INDIAN AFFAIRS
REORGANIZATION ACT

● Mr. MCCAIN. Mr. President, I am pleased to introduce legislation to reorganize and restructure the Bureau of Indian Affairs. I am very pleased to be joined by Senators INOUE and DOMENICI as original cosponsors of this legislation. This legislation is intended to stimulate discussion in the Congress and among the tribes on the reorganization of the Bureau of Indian Affairs.

Since 1834, the Congress, the administration, and the American Indian people have tried to reorganize and reform the Bureau of Indian Affairs. Like the crusades of history, with each change in administration the assembled bureaucrats have gone charging off in one direction or another, commissioning studies or writing reports on the BIA, downsizing, centralizing, or decentralizing, whatever the political whim of the day dictated. From the Meriam Report in 1929 to the joint tribal/BIA/DOI reorganization task force report, the Congress has commissioned report after report on how to reform the way this Nation deals with native Americans and their governments. Since the establishment of the BIA in 1824, there have been over 1,050 investigations, reports, commissions, and studies detailing how the BIA should be restructured, reorganized, or reformed. To measure the success of all of these efforts, one needs only to look at the statistics in the most recent census.

Nearly one of every three native Americans in this Nation is living in poverty. One-half of the families living on reservations are living in poverty. One-half of the Indian children under the age of six living on reservations are living in poverty. Unemployment on Indian reservations exceeds 25 percent. For every \$100 earned by U.S. families, Indian families earn \$62. The per capita income for an Indian living on the reservation is \$4,478. There are approxi-

mately 90,000 Indian families who are homeless or underhoused. Nearly one in five Indian families living on the reservation are classified as severely overcrowded. One out of every five Indian homes lack complete plumbing facilities. These simple conveniences, that the rest of us take for granted, remain out of the grasp of many Indian families.

Since its creation in 1824, native Americans have relied on the Bureau of Indian Affairs as the principle agency of the Federal Government which is responsible for meeting this Nation's trust responsibility to American Indians and Alaska Natives. And yet based on its own studies and investigations, the Bureau of Indian Affairs has failed miserably in carrying out this Nation's solemn obligations to American Indians. If the health, social, and economic conditions on Indian reservations are the measure of our performance as the trustee for American Indians, then as a nation we have failed miserably.

It is time to change the way this Nation deals with American Indians. It is time to bring an end to the long and dismal history of the failures of the Federal Government to carry out its trust responsibilities to American Indians. It is time to break down the barriers to true tribal self-governance and self-determination by providing Indian tribes with the authority to design both the structure and function of its trustee, the Bureau of Indian Affairs. I remain convinced that we will not make significant improvements in the living conditions on most reservations without a major reform of the Bureau of Indian Affairs.

Today, I am introducing legislation which will provide Indian tribes with the authority to reorganize and restructure the Bureau of Indian Affairs at each level of the government. It provides Indian tribes with the ability to tailor the Bureau of Indian Affairs to meet their unique circumstances and needs. It will allow tribes to shape and redefine the trust relationship with the Federal Government.

This legislation is the culmination of over 4 years of work by Indian tribes, the administration, and the Congress. This bill reflects the recommendations of the joint tribal/BIA/DOI reorganization task force, which was established at the direction of former Interior Secretary Lujan. Over the course of 4 years, the task force held 22 meetings across all parts of Indian country to develop their recommendations for the reorganization of the Bureau of Indian Affairs. These recommendations fall into four general categories: Organizational reform, regulatory reform, education reform, and budget reform. The guiding principles established by the joint tribal/BIA/DOI reorganization task force are to decentralize decision-making of the Bureau of Indian Affairs, to provide maximum funding to Indian tribes for service delivery, to maintain

the flexibility of the area/agency organizational design, to establish well-defined Federal and tribal roles at all levels of the bureaucracy, and to create a tribal-Federal consultation process to govern all aspects of the reorganization.

The legislation I am introducing closely adheres to the spirit and intent of the report of the joint tribal/BIA/DOI reorganization task force. This bill will provide for the reorganization of the BIA at the agency, area and central offices with savings attendant to such reorganization to be allocated to the tribes. It will provide for the transfer or delegation of decisionmaking authority to the tribe or the agency level of the BIA, consistent with the principles of self-governance and self-determination. The bill provides the authority to Indian tribes to develop, in negotiations with the Interior Department, reorganization plans for the area and agency offices of the Bureau of Indian Affairs. These plans may include a reorganization of BIA organizational structures, reallocation of personnel, delegations of secretarial authority, transfers of functions, waivers of regulations or other authorities, reordering of funding priorities, and the transfer of any savings realized by such reorganization directly to the tribes.

The bill also provides for the reorganization of the central office of the BIA so that Indian tribes from each area office can determine how the central office resources used to provide services to their area should be allocated. Tribes in each area of the BIA will be able to determine what services will be provided by the central office, what funds and authorities should be distributed or delegated to the area and agency offices and what funds and authorities should be distributed or delegated to the tribes themselves. Finally, the bill will require the Secretary to repeal the provisions of the BIA manual. Any provision of the BIA manual which are deemed necessary will have to be promulgated as regulations subject to review and comment. The bill will also provide for the establishment of a tribal task force to recommend regulatory reforms in title 25 of the Code of Federal Regulations.

The introduction of this legislation marks only the first step in carrying out the commitment made to Indian tribes when the joint tribal/BIA/DOI reorganization task force was first chartered. I remain committed to work with Indian tribes and the administration to realize the vision of those tribal leaders who met for hundreds of hours in developing recommendations to bring real and necessary change to the Bureau of Indian Affairs. I look forward to full and complete discussions with tribal leaders on this legislation and I urge all of our colleagues to join with us to ensure prompt enactment of legislation to reorganize the Bureau of Indian Affairs.

Mr. President, I ask unanimous consent that the full text of the bill and

the accompanying section-by-section analysis appear in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 814

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE, TABLE OF CONTENTS, AND DEFINITIONS.

(a) **SHORT TITLE.**—This Act may be cited as the “Bureau of Indian Affairs Reorganization Act of 1995”.

(b) **TABLE OF CONTENTS.**—The table of contents for this Act is as follows:

Sec. 1. Short title, definitions, and table of contents.

TITLE I—REORGANIZATION COMPACTS

Sec. 101. Reorganization of area offices.

Sec. 102. Reorganization of agency offices.

Sec. 103. Reorganization of central office.

Sec. 104. Savings provisions.

Sec. 105. Additional conforming amendments.

Sec. 106. Authorization of appropriations.

Sec. 107. Effective date.

Sec. 108. Separability.

Sec. 109. Suspension of certain administrative actions.

Sec. 110. Statutory construction.

TITLE II—AMENDMENT TO THE INDIAN SELF-DETERMINATION ACT

Sec. 201. Budget development.

TITLE III—REFORM OF THE REGULATIONS OF THE BUREAU OF INDIAN AFFAIRS

Sec. 301. BIA Manual.

Sec. 302. Task force.

Sec. 303. Authorization of appropriations.

(c) **DEFINITIONS.**—For purposes of this Act, the following definitions shall apply:

(1) **AREA OFFICE.**—The term “area office” means 1 of the 12 area offices of the Bureau of Indian Affairs.

(2) **AREA OFFICE PLAN.**—The term “area office plan” means a plan for the reorganization of an area office negotiated by the Secretary and Indian tribes pursuant to section 101.

(3) **AGENCY OFFICE.**—The term “agency office” means an agency office of the Bureau of Indian Affairs.

(4) **AGENCY OFFICE PLAN.**—The term “agency office plan” means a plan for the reorganization of an agency office negotiated by the Secretary and Indian tribes pursuant to section 102.

(5) **BIA MANUAL.**—The term “BIA Manual” means the most recent edition of the Bureau of Indian Affairs Manual issued by the Department of the Interior.

(6) **BUREAU.**—The term “Bureau” means the Bureau of Indian Affairs.

(7) **CENTRAL OFFICE.**—The term “central office” means the central office of the Bureau, that is housed in the offices of the Department in Washington, D.C. and in Albuquerque, New Mexico.

(8) **CENTRAL OFFICE PLAN.**—The term “central office plan” means the plan for the reorganization of the central office negotiated by the Secretary and Indian tribes pursuant to section 103.

(9) **DEPARTMENT.**—The term “Department” means the Department of the Interior.

(10) **DIRECTOR.**—The term “Director” means, with respect to an area office, the Director of the area office.

(11) **FUNCTION.**—The term “function” means any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.

(12) **INDIAN TRIBE.**—The term “Indian tribe” has the same meaning as in section

4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)).

(13) **SECRETARY.**—The term “Secretary” means the Secretary of the Interior.

(14) **SUPERINTENDENT.**—The term “Superintendent” means the Superintendent of an agency office.

(15) **TRIBAL PRIORITY ALLOCATION ACCOUNT.**—The term “tribal priority allocation account”, means an account so designated by the Bureau, with respect to which program priorities and funding levels are established by individual Indian tribes.

(16) **TRIBAL RECURRING BASE FUNDING.**—The term “tribal recurring base funding” means recurring base funding (as defined and determined by the Secretary) for the tribal priority allocation accounts of an Indian tribe allocated to a tribe by the Bureau.

TITLE I—REORGANIZATION COMPACTS

SEC. 101. REORGANIZATION OF AREA OFFICES.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, not later than 120 days after the date of enactment of this Act, the Secretary shall enter into negotiations with the Indian tribes served by each area office to prepare a reorganization plan for the area office.

(b) CONTENTS OF AREA OFFICE PLANS.—

(1) **IN GENERAL.**—Each area office plan that is prepared pursuant to this subsection shall provide for the organization of the area office covered under the plan. To the extent that the majority of Indian tribes served by the area office do not exercise the option to maintain current organizational structures, functions, or funding priorities pursuant to paragraph (2), the reorganization plan shall provide, with respect to the area office covered under the plan, for—

(A) the reorganization of the administrative structure of the area office;

(B) the reallocation of personnel (including determinations of office size and functions);

(C) the delegation of authority of the Secretary to the Director;

(D) transfers of functions;

(E) the specification of functions—

(i) retained by the Bureau; or

(ii) transferred to Indian tribes served by the area office;

(F) the issuance of waivers or other authorities by the Secretary so that functions and other responsibilities of the Secretary may be carried out by the area office or transferred to Indian tribes;

(G) the promulgation of revised regulations relating to the functions of the area office that are performed by the area office or transferred to Indian tribes;

(H) the reordering of funding priorities; and

(I) a formula for the transfer, to the tribal recurring base funding for each Indian tribe served by the area office, of unexpended balances of appropriations and other Federal funds made available to the area office in connection with any function transferred to Indian tribes pursuant to subparagraph (E)(ii).

(2) **SHARE OF FUNDING.**—An area office plan may include, for each Indian tribe served by the area office, a determination of the share of the Indian tribe of the funds used by the area office to carry out programs, services, functions and activities of the tribe (referred to in this subsection as the “tribal share”).

(3) **OPTION OF MAINTENANCE OF CURRENT STATUS.**—At the option of a majority of the Indian tribes served by an area office, a reorganization plan may provide for the continuation of organizational structures, functions, or funding priorities of the area office that are substantially similar to those in effect at the time of the development of the area office plan.

(4) APPROVAL OF AREA OFFICE PLAN BY INDIAN TRIBES.—Upon completion of the negotiation of an area office plan, the Secretary shall submit the plan to the Indian tribes served by the area office for approval. If a majority of the Indian tribes approve the area office plan by a tribal resolution pursuant to the applicable procedures established by the Indian tribes, the Secretary shall enter into a reorganization compact pursuant to subsection (c).

(5) SINGLE TRIBE AREA OFFICE.—In an area office that serves only 1 Indian tribe, if the tribe elects to develop a reorganization plan for the area office, the Secretary shall enter into negotiations with the tribe to prepare a reorganization plan for the area office. Not later than 60 days after the date on which a reorganization plan referred to in the preceding sentence is approved by the Indian tribe, the Secretary shall enter into a reorganization compact with the tribe to carry out the area office plan.

(6) OPTION TO TAKE TRIBAL SHARE.—

(A) IN GENERAL.—If a majority of the Indian tribes served by an area office fail to approve an area office plan, an Indian tribe may elect to receive directly the tribal share of the Indian tribe.

(B) DETERMINATION OF TRIBAL SHARE.—If an Indian tribe elects to receive a tribal share under subparagraph (A), the Secretary shall enter into negotiations with the Indian tribe to determine the tribal share of the Indian tribe.

(C) AGREEMENT.—Upon the determination of a tribal share of an Indian tribe under subparagraph (B), the Secretary shall enter into an agreement with the Indian tribe for transferring directly to the Indian tribe an amount equal to the tribal share. The agreement shall include—

(i) a determination of the amount of residual Federal funds to be retained by the Secretary for the area office; and

(ii) the responsibilities of—

(I) the area office; and

(II) the Indian tribe.

(c) AREA OFFICE REORGANIZATION COMPACT.—

(1) IN GENERAL.—Not later than 60 days after the date on which a majority of the Indian tribes served by the area office that is the subject of a reorganization plan have approved the plan pursuant to subsection (b)(3), the Secretary shall enter into an area office reorganization compact with the Indian tribes to carry out the area office plan (referred to in this subsection as the "area office reorganization compact"). The Secretary may not implement the area office plan until such time as the Indian tribes have entered into an area office reorganization compact with the Secretary pursuant to this paragraph. If the Indian tribes do not enter into an area office reorganization compact with the Secretary pursuant to this paragraph, the organizational structure, functions, and funding priorities of the area office in effect at the time of the development of the area office plan shall remain in effect.

(2) PROHIBITION AGAINST CERTAIN LIMITATIONS.—With respect to an Indian tribe that is not a party to an area office reorganization compact entered into by the Secretary under this subsection, nothing in this section may limit or reduce the level of any service or funding that the Indian tribe is entitled to pursuant to applicable Federal law (including any contract that the Indian tribe is entitled to enter into pursuant to applicable Federal law).

SEC. 102. REORGANIZATION OF AGENCY OFFICES.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 120 days after the date of enactment of this Act,

the Secretary, acting through the Superintendent (or a designee of the Superintendent) of each agency office, shall enter into negotiations with the Indian tribes served by each agency office to prepare an agency office plan for each agency office.

(b) CONTENTS OF AGENCY OFFICE PLANS.—

(1) IN GENERAL.—Each agency office plan that is prepared by the Secretary pursuant to this subsection shall provide for the organization of the agency office covered under the plan. To the extent that the majority of Indian tribes served by the agency office do not exercise the option to maintain current organizational structures, functions, or funding priorities pursuant to paragraph (2), the agency office plan shall provide, with respect to the agency office covered under the agency office plan, for—

(A) the reorganization of the administrative structure of the agency office;

(B) the reallocation of personnel (including determinations of office size and functions);

(C) the delegation of authority of the Secretary to the Superintendent;

(D) transfers of functions;

(E) the specification of functions—

(i) retained by the Bureau; or

(ii) transferred to Indian tribes served by the agency office;

(F) the issuance of waivers or other authorities by the Secretary so that functions and other responsibilities of the Secretary may be carried out by the agency office or transferred to Indian tribes;

(G) the promulgation of revised regulations relating to the functions of the agency office that are carried by the agency office or transferred to Indian tribes;

(H) the reordering of funding priorities; and

(I) a formula for the transfer, to the tribal recurring base funding for each Indian tribe served by the agency office, of unexpended balances of appropriations and other Federal funds made available to the agency office in connection with any function transferred to Indian tribes pursuant to subparagraph (E)(ii).

(2) SHARE OF FUNDING.—An agency office plan may include, for each Indian tribe served by the agency office, a determination of the share of the Indian tribe of the funds used by the agency office to carry out programs, services, functions and activities of the tribe (referred to in this subsection as the "tribal share").

(3) OPTION OF MAINTENANCE OF CURRENT STATUS.—At the option of a majority of the Indian tribes served by an agency office, an agency office plan may provide for the continuation of organizational structures, functions, or funding priorities of the agency office that are substantially similar to those in effect at the time of the development of the agency office plan.

(4) APPROVAL OF AGENCY OFFICE PLAN BY INDIAN TRIBES.—Upon completion of the negotiation of an agency office plan, the Secretary shall submit the agency office plan to the Indian tribes served by the agency office for approval. If a majority of the Indian tribes approve the agency office plan by a tribal resolution pursuant to the applicable procedures established by the Indian tribes, the Secretary shall enter into a reorganization compact pursuant to subsection (c).

(5) SINGLE TRIBE AGENCY OFFICE.—In an agency office that serves only 1 Indian tribe, if the tribe elects to develop a reorganization plan for the agency office, the Secretary shall enter into negotiations with the tribe to prepare a reorganization plan for the agency office. Not later than 60 days after the date on which a reorganization plan referred to in the preceding sentence is approved by the Indian tribe, the Secretary shall enter into a reorganization compact

with the tribe to carry out the agency office plan.

(6) OPTION TO TAKE TRIBAL SHARE.—

(A) IN GENERAL.—If a majority of the Indian tribes served by an agency office fail to approve an agency office plan, an Indian tribe may elect to receive directly the tribal share of the Indian tribe.

(B) DETERMINATION OF TRIBAL SHARE.—If an Indian tribe elects to receive a tribal share under subparagraph (A), the Secretary shall enter into negotiations with the Indian tribe to determine the tribal share of the Indian tribe.

(C) AGREEMENT.—Upon the determination of a tribal share of an Indian tribe under subparagraph (B), the Secretary shall enter into an agreement with the Indian tribe for transferring directly to the Indian tribe an amount equal to the tribal share. The agreement shall include—

(i) a determination of the amount of residual Federal funds to be retained by the Secretary for the agency office; and

(ii) the responsibilities of—

(I) the agency office; and

(II) the Indian tribe.

(c) AGENCY OFFICE REORGANIZATION COMPACTS.—

(1) IN GENERAL.—Not later than 60 days after the date on which a majority of the Indian tribes served by the agency office that is the subject of an agency office plan have approved the agency office plan pursuant to subsection (b)(3), the Secretary shall enter into a reorganization compact with the Indian tribes to carry out the agency office plan (referred to in this subsection as the "agency office reorganization compact"). The Secretary may not implement the agency office plan until such time as the Indian tribes have entered into an agency office reorganization compact with the Secretary pursuant to this paragraph. If the Indian tribes do not enter into an agency office reorganization compact with the Secretary pursuant to this paragraph, the organizational structure, functions, and funding priorities of the agency office in effect at the time of the development of the agency office plan shall remain in effect.

(2) PROHIBITION AGAINST CERTAIN LIMITATIONS.—With respect to an Indian tribe that is not a party to an agency office reorganization compact entered into under this subsection, nothing in this section may limit or reduce the level of any service or funding that the Indian tribe is entitled to pursuant to applicable Federal law (including any contract that the Indian tribe is entitled to enter into pursuant to applicable Federal law).

(3) COORDINATION WITH AREA OFFICE PLANS.—Each agency office reorganization compact entered into by the Secretary under this subsection shall specify that in the event that the Secretary determines that the agency office reorganization compact is inconsistent with an area office reorganization compact entered into under section 101(c), the Secretary, in consultation with the Indian tribes that are parties to the compact, shall make such amendments to the agency office reorganization compact entered into under this subsection as are necessary to ensure consistency with the applicable area office plan.

SEC. 103. REORGANIZATION OF CENTRAL OFFICE.

(a) IN GENERAL.—Notwithstanding any other provision of law, not later than 120 days after the date of enactment of this Act, the Secretary shall enter into negotiations with Indian tribes to develop a central office plan. In developing the plan, the Secretary shall enter into negotiations on an area-by-area basis with a representative from each of the Indian tribes in each area, to determine

the appropriate allocation of personnel and funding made available to the central office to serve the area and agency offices and Indian tribes in each area office.

(b) **CONTENT OF CENTRAL OFFICE PLAN.**—

(1) **IN GENERAL.**—The central office plan shall provide for determinations by the Secretary, on the basis of the negotiations described in subparagraph (a), concerning—

(A) which portion of the funds made available to the Secretary for the central office shall—

(i) be used to support the area and agency offices in each area; and

(ii) be considered excess funds that may be allocated directly to Indian tribes in each area pursuant to a formula developed pursuant to paragraph (2)(J); and

(B) the allocation of the personnel of the central office to provide support to the area and agency offices.

(2) **REALLOCATION OF FUNDS AND PERSONNEL.**—In developing the central office plan, to the extent that the Secretary and the Indian tribes do not exercise the option to maintain current organizational structures, functions, or funding priorities, the central office plan shall provide, to the extent necessary to accommodate the determinations made under paragraph (1), for—

(A) the reorganization of the administrative structure of the central office;

(B) the reallocation of personnel (including determinations of office size and functions);

(C) the delegation of authority of the Secretary carried out through the central office to the Directors, Superintendents, or Indian tribes;

(D) transfers of functions;

(E) the specification of functions—

(i) retained by the central office; or

(ii) transferred to area offices, agency offices or Indian tribes;

(F) the issuance of waivers or other authorities by the Secretary so that functions and other responsibilities of the Secretary may be carried out by the central office or transferred to area offices, agency offices, or Indian tribes;

(G) the promulgation of revised regulations relating to the functions of the central office that are carried by the central office or transferred to area offices, agency offices, or Indian tribes;

(H) the reordering of funding priorities;

(I) allocation formulas to provide for the remaining services to be provided to the area and agency offices and Indian tribes by the central office; and

(J) with respect to the allocation of funds to the area and agency offices and Indian tribes in each area, a formula, negotiated with the tribal representatives identified in subsection (a), for the allocation to the Indian tribes of a portion of excess funds described in paragraph (1)(A)(ii).

(c) **CENTRAL OFFICE REORGANIZATION COMPACTS.**—

(1) **IN GENERAL.**—Not later than 60 days after the Secretary develops a central office plan pursuant to subsection (a), the Secretary shall, for each area office, enter into a central office reorganization compact with the Indian tribes in that area to implement the central office plan (referred to in this subsection as the "central office reorganization compact"). The Secretary may not implement the component of a central office plan relating to an area until such time as a majority of the Indian tribes in that area have entered into a central office reorganization compact. If a majority of the Indian tribes in an area do not enter into a central reorganization compact with the Secretary pursuant to this paragraph, the organizational structure, functions, and funding priorities of the central office relating to the area and agency offices and Indian tribes in

that area and in effect at the time of the development of the central office plan shall remain in effect.

(2) **COORDINATION WITH AREA AND AGENCY OFFICE PLANS.**—Each central office reorganization compact entered into by the Secretary under this subsection shall specify that in the event the Secretary determines that a central office reorganization compact is inconsistent with a related area office reorganization compact entered into under section 101(c) or a related agency office reorganization compact entered into under section 102(c), the Secretary, in consultation with the Indian tribes that are parties to the central office reorganization compact, shall amend the compact to make such modifications as are necessary to ensure consistency with the applicable area or agency office plan.

SEC. 104. SAVINGS PROVISIONS.

(a) **IN GENERAL.**—All orders, determinations, rules, regulations, permits, agreements, grants, contracts, certificates, licenses, registrations, privileges, and other administrative actions—

(1) that have been issued, made, granted, or allowed to become effective by the President, any Federal agency or official thereof, or by a court of competent jurisdiction, in the performance of any function that is transferred to Indian tribes pursuant to a reorganization compact that the Secretary enters into pursuant to section 101, 102, or 103; and

(2) that are in effect on the effective date of the reorganization compact, or were final before the effective date of the reorganization compact and are to become effective on or after such date;

shall continue in effect according to their terms until modified, terminated, superseded, set aside, or revoked in accordance with law by the President, the Secretary, or other authorized official, a court of competent jurisdiction, or by operation of law.

(b) **PROCEEDINGS NOT AFFECTED.**—

(1) **IN GENERAL.**—The provisions of a reorganization compact that the Secretary enters into pursuant to section 101, 102, or 103 shall not affect any proceedings, including notices of proposed rulemaking, or any application for any license, permit, certificate, or financial assistance pending before the Bureau at the time the reorganization compact takes effect, with respect to the functions transferred by the reorganization compact.

(2) **CONTINUATION OF PROCEEDINGS.**—The proceedings and applications referred to in paragraph (1) shall be continued. Orders shall be issued in such proceedings, appeals shall be taken from such orders, and payments shall be made pursuant to such orders, as if the compact had not been entered into, and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by a duly authorized official, by a court of competent jurisdiction, or by operation of law.

(3) **STATUTORY CONSTRUCTION.**—Nothing in this subsection shall be deemed to prohibit the discontinuance or modification of any such proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this title had not been enacted.

(c) **NONABATEMENT OF ACTIONS.**—No suit, action, or other proceeding commenced by or against the Bureau or by or against any individual in the official capacity of such individual as an officer of the Bureau shall abate by reason of the enactment of this title.

SEC. 105. ADDITIONAL CONFORMING AMENDMENTS.

(a) **RECOMMENDED LEGISLATION.**—After consultation with Indian tribes, the appropriate

committees of the Congress and the Director of the Office of Management and Budget, the Secretary shall prepare and submit to the Congress recommended legislation containing technical and conforming amendments to reflect the changes made pursuant to this title.

(b) **SUBMISSION TO THE CONGRESS.**—Not later than 120 days after the effective date of this title, the Secretary shall submit to the Congress the recommended legislation referred to in subsection (a).

SEC. 106. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SEC. 107. EFFECTIVE DATE.

This title shall take effect on the date of enactment of this Act.

SEC. 108. SEPARABILITY.

If a provision of this title or its application to any person or circumstance is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SEC. 109. SUSPENSION OF CERTAIN ADMINISTRATIVE ACTIONS.

(a) **IN GENERAL.**—Notwithstanding any other provision of law, during the 2-year period beginning on the date of enactment of this Act, the Secretary shall suspend the implementation of all administrative activities that affect the Bureau of Indian Affairs associated with reinventing government, national performance review, or other downsizing initiatives.

(b) **CONSIDERATION OF COMPACTS.**—During the period specified in subsection (a), the reorganization compacts entered into under this title shall be deemed to satisfy the goals of the initiatives referred to in subsection (a).

SEC. 110. STATUTORY CONSTRUCTION.

Nothing in this title may be construed to alter or diminish the Federal trust responsibility to Indian tribes, individual Indians, or Indians with trust allotments.

TITLE II—AMENDMENT TO THE INDIAN SELF-DETERMINATION ACT

SEC. 201. BUDGET DEVELOPMENT.

The Indian Self-Determination Act (25 U.S.C. 450f et seq.), as amended by the Tribal Self-Governance Act of 1994, is amended by adding at the end the following new title:

"TITLE V—BUDGET DEVELOPMENT

"SEC. 501. PARTICIPATION OF INDIAN TRIBES IN THE DEVELOPMENT OF BUDGET REQUESTS.

"(a) **BUDGET REQUESTS FOR THE BUREAU OF INDIAN AFFAIRS.**—Notwithstanding any other provision of law, not later than 120 days after the date of enactment of this title, the Secretary of the Interior shall establish a program—

"(1) to provide information to Indian tribes concerning the development of budget requests for the Bureau of Indian Affairs that are submitted to the President by the Secretary of the Interior for inclusion in the annual budget of the President submitted to the Congress pursuant to section 1108 of title 31, United States Code; and

"(2) to ensure, to the maximum extent practicable, the participation by each Indian tribe in the development of the budget requests referred to in paragraph (1).

"(b) **BUDGET REQUESTS FOR THE INDIAN HEALTH SERVICE.**—Notwithstanding any other provision of law, not later than 120 days after the date of enactment of this title, the Secretary of Health and Human Services shall establish a program—

"(1) to provide information to Indian tribes concerning the development of budget requests by the Secretary of Health and Human Services for the Indian Health Service that are submitted to the President by

the Secretary for inclusion in the annual budget referred to in subsection (a)(1); and

"(2) to ensure, to the maximum extent practicable, the participation by each Indian tribe in the development of the budget requests referred to in paragraph (1).

"(c) REQUIREMENTS FOR PROGRAMS.—

"(1) IN GENERAL.—Each program established under this section shall, to the maximum extent practicable—

"(A) provide for the estimation of—

"(i) the funds authorized to be appropriated on an annual basis for the benefit of Indians tribes; and

"(ii) for each Indian tribe, the portion of the funds described in clause (i) that will be provided for the benefit of the Indian tribe;

"(B) provide, for each Indian tribe—

"(i) the opportunity to establish priorities for using the estimated funds described in subparagraph (A)(ii); and

"(ii) flexibility in the design of tribal and Federal programs that receive Federal funds to best meet the needs of the community served by the Indian tribe; and

"(C) provide for the collection and dissemination of information that is necessary for effective planning, evaluation, and reporting by the Secretary of the Interior or the Secretary of Health and Human Services and Indian tribes concerning the comparative social and public health conditions of Indian communities (as defined and determined by the Secretary of the Interior and the Secretary of Health and Human Services) at local, regional, and national levels.

"(2) DUTIES OF THE SECRETARIES.—In carrying out the programs established under this section, the Secretary of the Interior and the Secretary of Health and Human Services shall—

"(A) use any information provided by Indian tribes concerning the priorities referred to in paragraph (1)(B);

"(B) support the creation of stable recurring base funding (as defined and determined by each such Secretary) for each Indian tribe;

"(C) seek to maintain stability in the planning and allocation of the amounts provided for in the budget of the Bureau of Indian Affairs and the Indian Health Service for Indian tribes; and

"(D) assess the Federal programs or assistance provided to each Indian tribe to determine—

"(i) the relative need for providing Federal funds to carry out each such program; and

"(ii) the amount of recurring base funding available to each Indian tribe to carry out each such program.

"(3) CONTRACTS, GRANTS, AND ANNUAL FUNDING AGREEMENTS.—To provide, to the maximum extent practicable, for the full participation by the governing bodies of Indian tribes on an effective government-to-government basis in carrying out the collection and sharing of information under this section, the Secretary of the Interior or the Secretary of Health and Human Services may—

"(A) enter into a self-determination contract with an Indian tribe or make a grant to an Indian tribe pursuant to section 102 or 103;

"(B) with respect to the Secretary of Health and Human Services, enter into a funding agreement with a participating Indian tribe pursuant to title III; and

"(C) with respect to the Secretary of the Interior, enter into a funding agreement with a participating Indian tribe pursuant to title IV.

"SEC. 502. ASSESSMENT METHODOLOGY.

"(a) IN GENERAL.—Not later than 180 days after the date of enactment of this title, the Secretary shall, in cooperation with Indian tribes, and in accordance with the negotiated rulemaking procedures under subchapter III

of chapter 5 of title 5, United States Code, promulgate standardized assessment methodologies to be used in carrying out any budget determination for the Bureau of Indian Affairs concerning the levels of funding that are necessary to fund each program area (as defined and determined by the Secretary) of the Bureau.

"(b) PARTICIPATION BY INDIAN TRIBES.—In carrying out subsection (a), the Secretary shall take such action as may be necessary to ensure, to the maximum extent practicable, the direct and active participation of Indian tribes at the local, regional, and national levels in the negotiated rulemaking process specified in subchapter III of chapter 5 of title 5, United States Code.

"(c) COMMITTEE.—

"(1) COMPOSITION.—The negotiated rulemaking committee established pursuant to section 565 of title 5, United States Code, to carry out subsection (a) shall only be comprised of—

"(A) individuals who represent the Federal Government; and

"(B) individuals who represent Indian tribes.

"(2) REPRESENTATION BY INDIAN TRIBES.—A majority of the members of the committee referred to in paragraph (1) shall be individuals who represent Indian tribes.

"(d) ADAPTATION OF PROCEDURES.—The Secretary shall adapt the negotiated rulemaking procedures carried out under this section in the same manner as the Secretary adapts, in accordance with section 407(c), the procedures carried out pursuant to section 407.

"SEC. 503. REPORTS TO THE CONGRESS.

"(a) REPORT ON BUDGET NEEDS.—Not later than the earliest date after the date of promulgation of the regulations under section 502 on which the Secretary of the Interior submits a budget request to the President for inclusion in the annual budget of the President submitted to the Congress pursuant to section 1108 of title 31, United States Code, and annually thereafter, the Secretary shall prepare and submit to the President a report that—

"(1) describes the standardized methodologies that are the subject of the regulations promulgated pursuant to section 502; and

"(2) includes—

"(A) for each program area of the Bureau of Indian Affairs, an assessment of the level of funding that is necessary to fund the program area; and

"(B) for each Indian tribe served by a program area referred to in paragraph (2)—

"(i) an assessment of the level of funding that is necessary for each Indian tribe served by the program area;

"(ii) the total amount of funding necessary to cover all program areas with respect to which the tribe receives services (as determined by taking the aggregate of the applicable amounts determined under paragraph (3)); and

"(iii) a breakdown, for each program area with respect to which the Indian tribe receives service, of the amount determined under clause (ii).

"SEC. 504. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated such sums as may be necessary to carry out this title."

TITLE III—REFORM OF THE REGULATIONS OF THE BUREAU OF INDIAN AFFAIRS

SEC. 301. BIA MANUAL.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the Secretary shall—

(1) conduct a review of all provisions of the BIA Manual;

(2) promulgate as proposed regulations those provisions of the BIA Manual that the

Secretary deems necessary for the efficient implementation of the Federal functions retained by the Bureau under the reorganization compacts authorized by this Act; and

(3) revoke all provisions of the BIA Manual that are not promulgated as proposed regulations under paragraph (2).

(b) CONSULTATION WITH INDIAN TRIBES.—In carrying out subsection (a), the Secretary shall, to the maximum extent practicable, consult with Indian tribes in such manner as to provide for the full participation of Indian tribes.

SEC. 302. TASK FORCE.

(a) ESTABLISHMENT OF TASK FORCE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish a task force on regulatory reform (referred to in this section as the "task force").

(2) DUTIES.—The task force shall—

(A) review the regulations under title 25, Code of Federal Regulations; and

(B) make recommendations concerning the revision of the regulations.

(3) MEMBERSHIP.—The task force shall be composed of 16 members, including 12 members who are representatives of Indian tribes from each of the 12 areas served by area offices.

(4) INITIAL MEETING.—Not later than 60 days after the date on which all members of the task force have been appointed, the task force shall hold its first meeting.

(5) MEETINGS.—The task force shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the task force shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON.—The task force shall select a Chairperson from among its members.

(b) REPORTS.—

(1) REPORTS TO SECRETARY.—The task force shall submit to the Secretary such reports as the Secretary determines to be appropriate.

(2) REPORTS TO THE CONGRESS AND TO INDIAN TRIBES.—In addition to submitting the reports described in paragraph (1), not later than 120 days after its initial meeting, the task force shall prepare, and submit to the Congress and to the governing body of each Indian tribe, a report that includes—

(A) the findings of the task force concerning the review conducted pursuant to subsection (a)(2)(A); and

(B) the recommendations described in subsection (a)(2)(B).

(c) POWERS OF THE TASK FORCE.—

(1) HEARINGS.—The task force may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the task force considers advisable to carry out the duties of the task force specified in subsection (a)(2).

(2) INFORMATION FROM FEDERAL AGENCIES.—The task force may secure directly from any Federal department or agency such information as the task force considers necessary to carry out the duties of the task force specified in subsection (a)(2).

(3) POSTAL SERVICES.—The task force may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(4) GIFTS.—The task force may accept, use, and dispose of gifts or donations of services or property.

(d) TASK FORCE PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—Each member of the task force who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United

States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the task force. All members of the task force who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) **TRAVEL EXPENSES.**—The members of the task force shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the task force.

(3) **STAFF.**—

(A) **IN GENERAL.**—The Chairperson of the task force may, without regard to the civil service laws, appoint and terminate such personnel as may be necessary to enable the task force to perform its duties.

(B) **PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.**—The Chairperson of the task force may procure temporary and intermittent service under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) **TERMINATION OF TASK FORCE.**—The task force shall terminate 30 days after the date on which the task force submits its reports to the Congress and to Indian tribes under subsection (b)(2).

(f) **EXEMPTION FROM FEDERAL ADVISORY COMMITTEE ACT.**—All of the activities of the task force conducted under this title shall be exempt from the Federal Advisory Committee Act (5 U.S.C. App.).

(g) **PROHIBITION.**—Beginning on the date of enactment of this Act, the Secretary may not—

(1) promulgate any unpublished regulation or agency guidance that affects Indian tribes; or

(2) impose any nonregulatory requirement that affects Indian tribes.

SEC. 303. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as may be necessary to carry out this title.

SECTION-BY-SECTION ANALYSIS

SECTION ONE

Section 1 cites the short title of the Act as the Bureau of Indian Affairs Reorganization Act of 1995. This section sets forth the table of contents for the Act and the definitions used in the Act.

Title I—Reorganization compacts

SECTION 101. REORGANIZATION COMPACTS

Section 101 of the Act provides that not later than 120 days after enactment, the Secretary shall enter into negotiations with the Indian tribes served by each area office of the BIA to prepare a reorganization plan for the area office.

Subsection (b) of this section provides that each area plan shall provide for the reorganization of the administrative structure of the area office, the reallocation of personnel, the delegation of secretarial authorities, the issuance of waivers of regulations and other authorities, the reordering of funding priorities, and specify which functions are retained by the BIA and which functions are transferred to the tribes. The area office plan shall include a formula for allocation of savings to the recurring base funding of the tribes. This subsection also provides that an area plan may include a determination of the share of funds used by the Area office to carry out programs, services, functions and activities of the tribe.

Paragraph (3) of this subsection provides that a majority of tribes in an area may elect to continue the existing organizational structures, functions, or funding priorities of the area office.

Paragraph (4) of this subsection provides that upon completion of the negotiation of an area office plan the Secretary shall submit the plan for approval by the Indian tribes in the area. If a majority of tribes approve the area office plan by tribal resolution the Secretary shall enter into a reorganization compact with the tribes.

Paragraph (5) of this subsection provides that for those area offices which serve only 1 Indian tribe, the Secretary shall enter into negotiations with the tribe to prepare a reorganization plan if the tribe elects to develop a reorganization plan for the area office. It further provides that within 60 days from the date the plan is approved, the Secretary shall enter into a reorganization compact with the tribe to carry out the reorganization plan.

Paragraph (6) of this subsection provides that an Indian tribe may elect to receive its tribal share of the funds used by the area office to carry out programs, services, functions, and activities directly from the Secretary. The agreement to receive the tribal share shall include a determination of the amount of residual funds to be retained by the Secretary for the area office and the respective responsibilities of the area office and the Indian tribe.

Subsection (c) provides that not later than 60 days from the date on which a majority of tribes in the area office have approved a reorganization plan, the Secretary shall enter into an area office reorganization compact with the Indian tribes to carry out the area office reorganization plan. The Secretary may not implement an area office reorganization plan until the tribes have entered into a reorganization compact with the Secretary. This subsection also provides that nothing in this section may limit or reduce the level of any service or funding for an Indian tribe that is not a party to a reorganization compact.

SECTION 102. REORGANIZATION OF AGENCY OFFICES

Subsection (a) provides that not later than 120 days after enactment, the Secretary acting through the Superintendent of each agency office, shall enter into negotiations with the Indian tribes served by each agency office to develop a reorganization plan for the agency office.

Subsection (b) provides that each agency office plan shall provide for the reorganization of the administrative structure of the agency office, the reallocation of personnel, the delegation of secretarial authorities, the issuance of waivers of regulations and other authorities, the reordering of funding priorities, and specify which functions are retained by the BIA and which functions are transferred to the Indian tribes. The agency office plan shall include a formula for allocation of savings to the recurring base funding of the tribes. This subsection also provides that an agency office plan may include a determination of the share of funds used by the agency office to carry out programs, services, functions and activities of the tribe.

Paragraph (3) of this subsection provides that a majority of tribes in an agency office may elect to continue the existing organizational structures, functions, or funding priorities of the agency office.

Paragraph (4) of this subsection provides that upon completion of the negotiation of an agency office plan the Secretary shall submit the agency plan to the tribes served by the agency for approval. If a majority of tribes approve the agency reorganization

plan by tribal resolution, the Secretary shall enter into a reorganization compact with the tribes served by the agency.

Paragraph (5) of this subsection provides that for those agency offices which serve only 1 Indian tribe, the Secretary shall enter into negotiations with the tribe to prepare a reorganization plan if the tribe elects to develop a reorganization plan for the agency office. It further provides that within 60 days from the date the plan is approved, the Secretary shall enter into a reorganization compact with the tribe to carry out the reorganization plan.

Paragraph (6) of this subsection provides that an Indian tribe may elect to receive its tribal share of the funds used by the agency office to carry out programs, services, functions, and activities directly from the Secretary. The agreement to receive the tribal share shall include a determination of the amount of residual funds to be retained by the Secretary for the agency office and the respective responsibilities of the agency office and the Indian tribe.

Subsection (c) provides that not later than 60 days from the date on which a majority of tribes in the agency office have approved a reorganization plan, the Secretary shall enter into an agency office reorganization compact with the Indian tribes to carry out the agency office reorganization plan. The Secretary may not implement an agency office reorganization plan until the tribes have entered into a reorganization compact with the Secretary. This subsection also provides that nothing in this section may limit or reduce the level of any service or funding for an Indian tribe that is not a party to a reorganization compact. Finally, this subsection states that where the Secretary has determined that an agency office reorganization compact is inconsistent with an area office reorganization compact, the Secretary in consultation with the Indian tribes that are parties to the compact shall make such amendments to the agency office compact as are necessary to ensure consistency with the applicable area office plan.

SECTION 103. REORGANIZATION OF CENTRAL OFFICE

Section 103 provides that not later than 120 days from the date of enactment the Secretary shall enter into negotiations with Indian tribes to develop a central office reorganization plan. The Secretary shall enter into negotiations on an area by area basis with representatives from each tribe in the area in order to develop the central office plan. As part of these negotiations, the Secretary shall determine the appropriate allocation of personnel and funding made available to central office to serve the area and agency offices and the tribes in each area.

Subsection (b) provides that the central office plan shall contain a determination of funds and personnel used to support the area and agency offices in each area and those funds which may be allocated directly to Indian tribes pursuant to the formula developed under this section.

Paragraph (2) states that the central office reorganization plan shall provide for the reorganization of administrative structure of the central office, the reallocation of personnel, the delegation of secretarial authorities, the issuance of waivers of regulations and other authorities, the reordering of funding priorities, and specify which functions are retained by the BIA and which functions are transferred to the Indian tribes. The central office plan shall include an allocation formula to provide for the remaining services to be provided to the area and agency offices and the Indian tribes by the central office and a formula for allocation of savings to the recurring base funding of the tribes and to the area and agency offices.

Subsection (c) provides not later than 60 days after the Secretary develops a central office plan, the Secretary shall for each area office enter into a central office reorganization compact with the tribes in that area to implement the central office reorganization plan. The Secretary may not implement the component of a central office reorganization plan relating to an area until a majority of tribes in that area have entered into a central office reorganization compact with the Secretary. This subsection also provides that if a majority of Indian tribes in an area do not enter into a central office reorganization compact the existing organizational structure relating to that area shall remain in effect. Finally, this subsection states that where the Secretary has determined that a central office reorganization compact is inconsistent with a related area or agency office reorganization compact, the Secretary in consultation with the Indian tribes that are parties to the compact shall make such amendments as are necessary to ensure consistency with the applicable area or agency office plan.

SECTION 104. SAVINGS PROVISIONS

Subsection (a) states that all orders, determinations, rules, regulations, permits, agreements, grants, contracts, licenses, and other administrative actions that are in effect on the effective date of the reorganization compact shall continue in effect according to their terms until modified, terminated, superseded or set aside in accordance with law.

Subsection (b) states that the provisions of a reorganization compact shall not affect any proceedings, including any notices for proposed rulemaking, that are pending at the time the reorganization compact takes effect. These proceedings shall continue as if the compact had not been entered into and any orders issued in such proceedings shall continue in effect until modified, terminated or superseded by a duly authorized official, a court of competent jurisdiction, or by operation of law.

Subsection (c) states that no suit, action, or other proceeding commenced by or against the BIA or any official in the BIA shall abate by reason of enactment of this title.

SECTION 105. ADDITIONAL CONFORMING AMENDMENTS

Subsection (a) authorizes the Secretary to prepare and submit to the Congress, after consultation with the tribes, the Committees of jurisdiction in the Congress, and the OMB, recommended legislation containing technical and conforming amendments to reflect changes made pursuant to this title.

Subsection (b) requires the Secretary to submit such legislation to the Congress within 120 days of enactment of this title.

SECTION 106. AUTHORIZATION OF APPROPRIATIONS

Section 106 authorizes such sums as may be necessary to carry out this title to be appropriated.

SECTION 107. EFFECTIVE DATE

Section 107 states that this title shall take effect on the date of enactment.

SECTION 108. SEPARABILITY

Section 108 provides that if a provision of this title or its application is held invalid, neither the remainder of this title nor the application of the provision to other persons or circumstances shall be affected.

SECTION 109. SUSPENSION OF CERTAIN ADMINISTRATIVE ACTIONS

Section 109 provides that during the 2 year period beginning on the date of enactment the Secretary shall suspend the implementation of all administrative activities associated with reinventing government, the na-

tional performance review and other downsizing initiatives affecting the Bureau of Indian Affairs. It also states that during this 2 year period the reorganization compacts entered into under this title shall be deemed to satisfy the goals of reinventing government, the national performance review and other downsizing initiatives.

SECTION 110. STATUTORY CONSTRUCTION

Section 110 provides that nothing in this title may be construed to alter or diminish the Federal trust responsibility to Indian tribes, individual Indians, or Indians with trust allotments.

Title II—Amendment to the Indian Self-Determination Act

SECTION 201. BUDGET DEVELOPMENT

Section 201 amends the Indian Self-Determination Act (25 U.S.C. 450f et seq.) by adding the following new title:

Title V—Budget development

SECTION 501. PARTICIPATION OF INDIAN TRIBES IN THE DEVELOPMENT OF BUDGET REQUESTS

Subsection (a) of this section requires, within 120 days after enactment, the Secretary to establish a program to provide information to Indian tribes concerning the development of budget requests for the Bureau of Indian Affairs and to ensure that each Indian tribe participates to the maximum extent practicable in the development of the budget request for the Bureau of Indian Affairs.

Subsection (b) of this section requires, within 120 days after enactment, the Secretary of Health and Human Services to establish a program to provide information to Indian tribes concerning the development of budget for the Indian Health Service and to ensure that each Indian tribe participates to the maximum extent practicable in the development of the budget request for the Indian Health Service.

Subsection (c) of this section requires programs to the maximum extent practicable to develop an estimation of funds annually authorized to be appropriated for the benefit of Indian tribes, develop an estimation of individual tribal shares of the funds to be provided for the benefit of the Indian tribe, and to provide each tribe with an opportunity to establish individual tribal funding priorities. The program shall also collect and disseminate information necessary for effective planning and evaluation relating to the comparative social and public health conditions of Indian communities at the local, regional, and national levels.

Paragraph (2) of this subsection requires the Secretary of the Interior and the Secretary of Health and Human Services to support the creation of stable recurring base funding for each Indian tribe, to maintain stability in the planning and allocation of the IHS and BIA budgets to Indian tribes, to assess the Federal programs of assistance to Indian tribes to determine the relative need for providing Federal funds to carry out each such program and determine the amount of recurring base funding available to each Indian tribe to carry out each such program.

Paragraph (3) of this subsection authorizes the Secretary of the Interior and the Secretary of Health and Human Services to enter into self-determination contracts, self-governance compacts or make a grant to an Indian tribe to carry out the information collection and dissemination functions under this title.

SECTION 502. ASSESSMENT METHODOLOGY

Subsection (a) of this section requires the Secretary of the Interior within 180 days of enactment to promulgate standardized assessment methodologies to be used in carrying out any budget determination for the

BIA concerning levels of funding that are necessary for each program area.

Subsection (b) of this section requires the Secretary to ensure the direct and active participation of Indian tribes at the local, regional and national levels in the negotiated rulemaking process established under this section.

Subsection (c) of this section provides that the negotiated rulemaking committee created under this section shall be comprised of individuals who represent the Federal government and individuals who represent Indian tribes. A majority of the Committee shall be comprised of individuals who represent Indian tribes.

Subsection (d) of this section authorizes the Secretary to adapt the negotiated rulemaking procedures in accordance with section 407 of this Act.

SECTION 503. REPORTS TO THE CONGRESS

Subsection (a) provides that the Secretary shall annually prepare a report that describes the standardized methodologies and includes an assessment of the level of funding that is necessary to fund each program area of the Bureau of Indian Affairs. This report shall include an assessment for each Indian tribe of the level funding necessary for each Indian tribe to carry out each program area and an assessment of the total amount of funds needed to carry out all the programs areas with respect to which the tribe receives services.

SECTION 504. AUTHORIZATION OF APPROPRIATIONS

This section authorizes to be appropriated such sums as may be necessary to carry out this title.

Title III—Reform of the Regulations of the Bureau of Indian Affairs

SECTION 301. BIA MANUAL

Section 301 requires the Secretary not later than 180 days after enactment to conduct a review of all the provisions of the BIA manual and to promulgate as proposed regulations those provisions of the BIA manual that are deemed necessary and to revoke all provisions of the BIA manual that are not promulgated as proposed regulations. In carrying out this section, the Secretary shall consult with Indian tribes to the maximum extent practicable.

SECTION 302. TASK FORCE

Section 302 provides for the establishment of a Joint Tribal-Federal task force on regulatory reform. The task force shall be composed of 16 members, including 12 members who are representatives of Indian tribes from each of the 12 areas served by the BIA. The task force shall review the regulations under Title 25 of the Code of Federal Regulations and make recommendations concerning revision of the regulations. The task force shall submit reports to the Secretary as is deemed appropriate and shall not later than 120 days after its initial meeting submit a report to the Congress and the governing body of each Indian tribe that includes their findings and recommendations after reviewing Title 25 of the Code of Federal Regulations. The task force shall terminate 30 days after the date on which the task force submits its report to the Congress. This section also prohibits the Secretary from promulgating any unpublished regulation or agency guidance that affects Indian tribes and from imposing any nonregulatory requirement that affects Indian tribes.

SECTION 303. AUTHORIZATION OF APPROPRIATIONS

Section 303 authorizes to be appropriated such sums as may be necessary to carry out this title.

• Mr. INOUE. Mr. President, I join my esteemed colleague, the chairman

of the Committee on Indian Affairs, Senator JOHN MCCAIN, in the sponsorship of a measure that is intended to initiate discussion in the Senate of the means by which the reorganization of the Bureau of Indian Affairs is to be accomplished.

Mr. President, I am aware that there is some concern amongst my colleagues that they have not sufficient time to review this measure prior to its introduction, and I want to assure these members that I too have questions about the mechanics of the proposed reorganization process, as well as the scope of the proposed reorganization—but I believe that it is important that we begin somewhere—and that we have a legislative vehicle that will engender discussion and consideration of the specifics of reorganization.

For instance, it will be important, I believe, that reorganization at the agency, area and central offices proceed in some orderly fashion—given the interdependency of the functions and responsibilities of each of these offices.

In the absence of some order—reorganization of agency offices prior to reorganization of area offices culminating in the reorganization of the central office, for instance, as one possible means—there will undoubtedly be a predictable chaos if reorganization plans and compacts that have significant impacts on other organizational units are attempted to be implemented—all at the same time.

Mr. President, I am also aware of the concern expressed by some members as to what impact the proposed reorganization may have on the Bureau's responsibilities in the areas of education, tribal justice systems, and other centrally administered programs.

But I believe that this discussion draft will, at a minimum, provide us with a framework for addressing these concerns, and I look forward to working with the chairman of the committee—our colleagues on the Indian Affairs Committee and the leaders of Indian country—to refine this discussion draft into an effective instrument for the implementation of the recommendations of the joint Department of Interior, Bureau of Indian Affairs, and tribal task force on the reorganization of the Bureau of Indian Affairs.●

● Mr. DOMENICI. Mr. President, I am pleased today to join Chairman MCCAIN of the Senate Committee on Indian Affairs in sponsoring legislation to bring about many needed changes to the Bureau of Indian Affairs [BIA] of the U.S. Department of the Interior. It is a special honor for me to endorse the fine work of Wendell Chino, president of the Mescalero Apache Tribe of New Mexico. He has worked for decades to change the BIA. More recently, President Chino has focused his fine efforts through the BIA Reorganization Task Force for the last 4 years. As the elder statesman of Indian leaders, President Wendell Chino's incisive and powerful voice has been heard about the continuing problems in the BIA. We are

pleased to introduce legislation to help bring these recommendations to fruition.

Wendell has long been a vociferous and humorous critic of the infamous BIA. Wendell tells me that humor is necessary when you really want to cry. We have a special trust relationship with Indians in America, but far too often this trust has been neglected by a cumbersome bureaucracy.

As cosponsor of Chairman MCCAIN's excellent effort to launch an important debate, I am aligning myself with those who view the BIA as a detriment rather than a benefit to Indian people. I have spoken several times in Senate Budget and Indian Affairs Committee meetings this year about the need to meet our special trust and treaty obligations to the Indian people.

As a proponent of the largest budget reductions ever presented in the history of the Senate, I have maintained the need to keep our promises to the Indian people. This is not only good for Indians, it is good for America to know that her word is meaningful and can be relied upon.

When the Congress passes legislation and the President signs it, Americans should be able to know that they have been well represented and action will follow that is in line with the promises. Unfortunately, America's history has not been so sterling when it comes to its promises to Indian people. There are books, movies, and testimony to the many tragedies in our history with Indian people.

There have been some improvements in this century, but the violations continue. For example, as recently as 1962, the Congress and the President, in Public Law 87-483, promised to provide an irrigation system to the Navajo Tribe in exchange for water rights in the San Juan Chama water diversion project. The Navajos have kept their agreement about water rights, but the Federal Government is 20 years behind schedule in building the promised irrigation system.

I will not take the time to review other incidents here, I just want my colleagues to know that we are aware of the promises, and that we should do our part in promoting character counts in our own legislative activity. I believe the bill we are introducing today is in line with this goal.

Mr. President, I ask unanimous consent to print the leading themes of the executive summary of the joint tribal/BIA/Department of Interior advisory task force on the reorganization of the Bureau of Indian Affairs, August 1994, in the RECORD. This is for the benefit of my colleagues who may want to look at the parameters of the fine work of this task force, upon which Chairman MCCAIN has based our legislative effort. I refer my colleagues to Chairman MCCAIN's statement for a further explanation of the purposes of this legislation, and I urge my colleagues to review this exciting new thrust for the BIA.

On a closing note, I would like to add that my own bill, S. 346, cosponsored by Senator DANIEL INOUE of the Senate Committee on Indian Affairs, is not included in the bill we are introducing today. It is my intention to offer S. 346, a bill to establish an Office of Indian Women and Families in the BIA, as an amendment during committee markup of this legislation. For the benefit of my colleagues, I ask unanimous consent that my "Dear Colleague" letter of February 22, 1995, be printed in the RECORD.

Finally, Mr. President, I would be remiss if I did not acknowledge the fine work of a former New Mexico Congressman who became Secretary of the Interior, Manuel Lujan. It was Secretary Lujan who appointed Wendell Chino and Eddie Brown as co-chairs of the BIA reorganization task force.

It is my pleasure to join Senator MCCAIN in introducing this bill. It is an honest and good effort to reform, in significant and positive way, our trust relationship with the American Indian people.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, February 22, 1995.

DEAR COLLEAGUE: As we consider better ways to meet our treaty and statutory obligations to the Indian people of America through an improved Bureau of Indian Affairs, I would like you to keep Indian women and youth in mind. It is my belief that they are too often ignored in the Washington-based policy decisions that can have a most direct impact on their daily lives.

I am asking my Senate Colleagues to join me and the Vice Chairman of the Senate Committee on Indian Affairs, Senator Daniel K. Inouye, in sponsoring legislation to establish an Office of Indian Women and Families in the Bureau of Indian Affairs, U.S. Department of the Interior.

Indian women are most often at the very bottom of the economic ladder in America. They are the *poorest of the poor*. While the tide of public opinion is against adding virtually any new federal government employees, I believe it is time to directly address the concerns and problems of Indian women in the agency that is most responsible for their well-being.

In January of 1994, I held hearings in Window Rock, Arizona and in Rio Grande Pueblo country in Albuquerque, New Mexico. Hundreds of women and tribal leaders expressed their support for enacting this legislation. In the 103rd Congress, Senator McCain worked very hard to bring the problems of Indian child abuse to light. Many abusers were their BIA teachers.

Ramah Navajo District Judge Irene Toledo testified in Window Rock that "we do have a lot of children falling through the cracks." Elsie Redbird told us, "While American women come up against a 'glass ceiling,' Indian women have problems getting off the floor."

There are problems with gang violence, teen pregnancies and AIDS. Child care, domestic violence, poor housing conditions, and minimal economic opportunity are continuous problems on our nation's Indian reservations.

How would this new Office of Indian Women and Families help resolve these problems? The monitoring of participation rates and beneficial outcomes for Indian women

and children in on-going programs of the BIA and other federal departments and agencies would be a critical first step.

Job opportunities outside the domestic or clerical levels are too rare for Indian women. Yet the BIA and the U.S. Department of Labor have little precise and current information about the unemployment or underemployment problems of Indian women.

Obviously, an Office of Indian Women and Families could not be expected to move on all fronts at once. In fact, our bill gives jobs and business development opportunities for Indian women the first priority. Without such a permanent office to advocate program and policy changes for them, I am afraid one of our most precious and yet most neglected federal responsibilities will continue to be a national shame.

Indian women and their families have little choice but to live at the mercy of some of the most perplexing bureaucratic mazes in our federal government. I believe this group of American Indians would benefit by a more systematic monitoring of their lifestyle problems, a more consistent effort on our part to improve their lives, and a more interactive approach that includes their active participation in resolving their own concerns.

I hope you will join in cosponsoring S. 346, a bill to establish an Office of Indian Women and Families in the Department of Interior. Joe Trujillo of my staff can be reached at 224-7086 if you have further comments or questions. Thank you for your interest in American Indian women and their families.

Sincerely yours,

PETE V. DOMENICI,
U.S. Senator.

LEADING THEMES OF REORGANIZATION

Tribes recognized that simply changing the organizational structure of the BIA would not result in a change in how well it could deliver on its responsibility. All aspects of the organization, systems and processes utilized by the BIA were reviewed. The BIA's mission needed to be clearly defined to guide its future directions. Four leading themes emerged early, and the Task Force organized its efforts around them:

Organization Reform: The organizational levels and functions needed to be clearly defined as to appropriate roles, with the operational roles moved as close as possible to where services were to be delivered. Accordingly, roles were recommended for Central Office, Areas and Agencies. Keeping in mind the differences between Areas, the Task Force recognized that the Tribes in each Area and Agency needed to be involved in the redesign of these organizations to meet their respective needs. Too much of the overall resources of the BIA were being dedicated to Central Office and Area functions. Tribes felt that these resources could be better utilized at the Tribe/Agency/school service delivery level.

Regulatory Reform: The authority by which BIA decisions were made had been eroded at the levels nearest Tribes. The Task Force recognized that laws, regulations and internal BIA policies needed to change to return decision making to the BIA organizational units closest to the client. In addition, many inherent Tribal authorities had been usurped. Laws, regulations and policies needed to be reviewed to remove obstacles to Tribes freely exercising authorities for decisions which were inherently Tribal.

Education Reform: The Task Force strongly felt that emphasis needed to be placed on education for the following reasons: (1) The failure to fully implement all provisions of P.L. 95-561. (2) The indefinite organizational

status of education functions within the Bureau. (3) An assessment of the current level of education services within the Bureau. It was determined that a comprehensive plan was necessary to ensure maximum efficiency and effectiveness in education.

Budget Reform: The processes of planning, budgeting and reporting on budget needs were in serious need of reform. Throughout the first 20 years of implementation of the Self-Determination policy, Tribal participation in decisions regarding the designs of programs and the priorities for funding them had actually been diminished. Tribes felt that their needs were consistently understated or not reported to Congress at all. Though they had assumed management of about half of the budget resources under various Self-Determination Act awards, the BIA and others in the Federal government seemed to retain full control, and frequently disrupted the maintenance of funding and services. A new system of planning, budgeting and needs assessment was needed, and it needed to be based on the Federal policies of Indian Self-Determination and of dealing with Tribes on a government-to-government basis.●

By Mr. HATCH:

S. 815. A bill to amend the Internal Revenue Code of 1986 to simplify the assessment and collection of the excise tax on arrows; to the Committee on Finance.

SIMPLIFICATION OF IMPOSITION OF EXCISE TAX ON ARROWS

Mr. HATCH. Mr. President, I rise today to introduce legislation that would simplify the Internal Revenue Code regarding the imposition of the Federal excise tax on arrows.

Mr. President, this bill will benefit manufacturers, wholesalers, retailers, assemblers, and, most importantly, the consumers of archery equipment. In 1993, there were nearly 3 million licensed bow and arrow hunters in the United States, including 28,000 in my home State of Utah. These figures exclude the millions of individuals who enjoy archery as a hobby but do not hunt with a bow and arrows. Let me explain both the present status of this excise tax and why simplification is needed.

Under section 4161(b) of the Internal Revenue Code, an excise tax of 11 percent is imposed upon the sale by the manufacturer, producer, or importer of an arrow or an arrow's component parts and accessories. A complete arrow consists of various component parts, namely: a shaft, a point, a nock, and a vane. The arrow shaft is sold separately from the point, nock, and vane, which are attached to the shaft to make a complete arrow. The assembly of these parts into a finished arrow may take place at a wholesale manufacturing level, a distribution level, a retail level, or at the consumer level. Identifying the manufacturer for purposes of the excise tax is difficult because of the long distribution chain between the raw material supplier and the consumer. Under current law, anyone who manufactures arrows, or the various parts of arrows, may be required to collect the excise tax.

The current interpretation of the tax on arrows has resulted in a great deal

of confusion among retailers as well as among IRS field agents enforcing the law. Currently, local shops are subject to different interpretations of what is taxable. Ultimately, the tax falls on the last person in the chain to materially change the article before it is sold to the consumer. Unfortunately, several members of this chain may fit the definition of a manufacturer, and each is liable for the tax unless certain registration requirements are met and exemption forms filed.

As you can see, Mr. President, the method for collecting the excise tax on arrows needs to be streamlined. My bill would change the imposition of the excise tax to fall on the component shafts, points, nocks, and vanes as they are manufactured, rather than on the aggregated value of the assembled arrow. This is a significant change, but one that will greatly simplify the administration of the tax. Under my bill, individual distributors, assemblers, and retail sellers of arrows or parts of arrows would no longer be responsible for collecting the excise tax. Only the manufacturers of these parts would bear the responsibility of the excise tax. Thus, identification of the manufacturer would be much simpler and clearer. Industry representatives, who support these changes, have indicated to me that this simplification should increase revenues. Enforcement by the IRS should also be much easier under this legislation.

Mr. President, the result of this bill is a narrowing of the collection base. Instead of having thousands of distributors, retailers, or custom arrow shops being potentially liable for the tax as under the current law, about 65 companies would be liable under the bill. This simplification would save the IRS a considerable amount of time and money in enforcing the tax. It also would free smaller dealers and stores from the burden of computing and remitting the excise tax.

The language in this bill accomplishes the needed simplification of this particular section of the Tax Code. One consequence of this change is the possibility that a higher excise tax rate may be needed to make the measure revenue neutral. The arrow manufacturing industry agrees that this simplification is not intended to decrease revenue to the Federal Government. I am working with the Joint Committee on Taxation to find a rate of tax that will make the end result revenue neutral. The bill, as introduced, Mr. President, includes an 11 percent tax rate, which is the same as under present law. It is my intention to adjust this rate, up or down, as needed, to keep this bill revenue neutral. I want to point out, however, that greater compliance should be achieved by having a much smaller number of entities responsible for the tax. This greater compliance, together with the savings realized from the reduced manpower requirements the IRS needs to enforce this tax,

should combine to allow an equal or lesser tax rate than under current law. These factors should be considered when determining the revenue impact of this legislation.

Mr. President, the amount of revenue we are talking about is around \$13 million a year. These revenues are, by law, required to go to the Pittman-Robertson fund, established by the Federal Aid to Wildlife Restoration Act. The proceeds of this fund go toward wildlife restoration and hunter education programs administered by the U.S. Fish and Wildlife Service. The bulk of this fund is, in turn, passed onto the States to fund their own wildlife programs.

Under current law, arrows made by native Americans are exempt from the Federal excise tax. The simplification bill I am introducing today would not remove or alter this exemption in any way.

In conclusion, Mr. President, I believe that today, more than ever, we need to be mindful of the many burdens we are placing on small businesses and consumers through numerous Federal mandates and burdensome tax compliance measures. Businesses and consumers nationwide spend billions of dollars each year on tax compliance. Consumers, of course, pay for this compliance through higher retail prices for goods and services. We all know this money could be put to more productive use. Even though this bill is small in comparison to the immense Tax Code, I think it is right on target in terms of helping us to achieve tax simplification.

Mr. President, this legislation is a beneficial modification to the Tax Code presented in a win-win framework. This bill has the support of the Archery Manufacturers and Merchants Association, which represents the majority of this industry. I hope this bill will be swiftly adopted, and I encourage my colleagues to support and cosponsor this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SIMPLIFICATION OF IMPOSITION OF EXCISE TAX ON ARROWS.

(a) IN GENERAL.—Subsection (b) of section 4161 of the Internal Revenue Code of 1986 (relating to imposition of tax) is amended to read as follows:

“(b) BOWS AND ARROWS, ETC.—

“(1) BOWS.—

“(A) IN GENERAL.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any bow which has a draw weight of 10 pounds or more, a tax equal to 11 percent of the price for which so sold.

“(B) PARTS AND ACCESSORIES.—There is hereby imposed upon the sale by the manufacturer, producer, or importer—

“(i) of any part of accessory suitable for inclusion in or attachment to a bow described in subparagraph (A), and

“(ii) of any quiver suitable for use with arrows described in paragraph (2), a tax equivalent to 11 percent of the price for which so sold.

“(2) ARROWS.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any shaft, point,nock, or vane of a type used in the manufacture of any arrow which after its assembly—

“(A) measures 18 inches overall or more in length, or

“(B) measures less than 18 inches overall in length but is suitable for use with a bow described in paragraph (1)(A),

a tax equal to 11 percent of the price for which so sold.

“(3) COORDINATION WITH SUBSECTION (a).—No tax shall be imposed under this subsection with respect to any article taxable under subsection (a).”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to articles sold by the manufacturer, producer, or importer after the date of the enactment of this Act.

By Mr. DEWINE (for himself, Mr. STEVENS, Mr. ASHCROFT, Mr. HATCH, and Mr. THURMOND):

S. 816. A bill to provide equal protection for victims of crime, to facilitate the exchange of information between Federal and State law enforcement and investigation entities, to reform criminal procedure, and for other purposes; to the Committee on the Judiciary.

THE LOCAL LAW ENFORCEMENT ENHANCEMENT ACT

Mr. DEWINE. Mr. President, today I am introducing the Local Law Enforcement Enhancement Act for myself as well as Senator STEVENS and Senator ASHCROFT.

Mr. President, for the past week, beginning last Wednesday, I have discussed on the Senate floor different aspects of the bill that I am introducing this afternoon. I do not intend to go through every single provision of the bill again this afternoon. But I would like to highlight three or four of the principal areas of this bill.

I believe that when we look at any crime bill proposed in this Congress, we always have to ask several questions. The first is, what is the proper role of the Federal Government in an area that we all know and understand is primarily local. Ninety to 95 percent of all prosecutions are done at the State, county and local level, not the Federal level. So if we are going to have a national crime bill, what is that niche? What is the proper role of the Federal Government?

The second question I believe that we always have to ask is, what works? What can this Congress do in legislation, with Federal dollars, that will really make a difference?

The bill that I am introducing this afternoon is the product of my 20 years of being involved at different levels of Government, in law enforcement, being involved in this battle against crime. That certainly does not mean that I am an expert. I do not think we have any experts in this area.

However, I have seen it from every angle. I have seen it from the angle of

a young county prosecuting attorney, a State senator who dealt with it on the State level and tried to write appropriate State laws, then on the House Judiciary Committee for 8 years, and then as Lieutenant Governor of Ohio, where my principal job was to oversee our anticrime effort.

This bill is a product of that experience, but also probably more importantly, it is the product of my listening and discussing the crime issues with the men and women in Ohio who are on the front line every single day, the police officers who have to deal with this problem—what works, what does not work.

One thing, Mr. President, that we know works, from our experience, is the tools of technology. My bill will take America from 19th-century technology in the anticrime area into the 21st century. It does it in a unique way. It does it by putting \$1 billion—which is certainly a lot of money, but only a little over 3 percent of this total crime package that was passed last year, which my bill essentially is a rewrite of—a little over 3 percent of that total money over a 5-year period we spend on technology for the local communities, for the local States.

What I have been advised by law enforcement throughout Ohio and what I have been advised by the FBI is that while last year's crime bill went a long way to create the national databases that we need here in Washington and in the new facility that is being built in West Virginia, it will never be a complete system unless we grow the system locally.

I come from Greene County in Ohio, and the Xenia police department, when they put information into the system or try to get information back out, it is not only important for them to do it accurately and for that information to be in; it is not only important for the FBI to have the national database; but for it to really be successful and work for the local police department wherever that police department is, every other jurisdiction in the country has to do the same thing. Criminals move around, information moves around, and it has to be accurate.

What our bill does is put the money into the local communities. What are we talking about? We are talking about, basically, four national systems: a DNA system; a fingerprint system; a ballistic system, where we can compare the grooves, for example, on shells and bullets; and the fourth, of course, is to identify criminals.

This type of technology matters. It does, in fact, help to solve crimes. It matters when a police officer, at 3 o'clock in the morning, or a sheriff's deputy out on some dark road, has to pull someone over. It matters when that police officer activates his or her computer or calls back into the station to run that license plate. It matters that the information in that computer is accurate so that police officer knows as well as humanly possible who that

person is before the apprehension has to be made, before that person is approached.

It matters when we have an investigation of a case and all the police have is an unknown fingerprint, and they have to try to figure out where that fingerprint came from. It matters under the technology that we have today: Take that unknown print and compare it with 4 or 5 million known prints of known criminals. It matters.

That is the type of thing that we can do with this new technology that we never would dream of being able to do without the computers. All this does, in fact, matter. This is a tool, a tool that will be relatively cheap in regard to the entire crime bill.

Let me make very clear, Mr. President, the crime bill that we are introducing today does not spend any more money. It basically accepts as given what this Congress has decided last year, and appears to be deciding again this year, and that is over the next 5 years, we will devote 30 billion Federal dollars, taxpayers' dollars, to the fight against crime.

The question that we have before Congress today is how best to spend that money, and can we improve upon what the Congress did last year? I believe that we can.

The first thing that matters is technology. Our bill provides that. It will make a difference. We will solve crimes. We will save lives.

Let me move now to the second area. The second thing that we know does, in fact, matter in law enforcement. It matters, Mr. President, if we can take violent criminals off the streets. If we can take violent criminals off the streets and lock them up and keep them locked up, we know they at least will not be continuing to commit crimes.

My bill reinstitutes a program that the Bush administration had in place for over a year and a half. It was called Project Triggerlock. The principle behind Project Triggerlock was very simple. The principle was that violent offenders who use a gun in the commission of a felony need to be targeted by all U.S. attorneys in this country. And in cooperation with local State prosecutors and county prosecutors, if they wish, then the U.S. attorney takes that case into Federal court, and under Federal law prosecutes that person. Then, when the person is convicted, they are housed courtesy of the Federal Government. That is a great assistance to law enforcement because in most cases, the Federal mandatory sentencing laws for violent offenders, particularly violent offenders who use a gun in the commission of a felony, is tougher than it is in most States. We have a great deterrent effect.

During the last administration, in an 18-month period of time, 15,000 violent career criminals were taken off the streets, prosecuted, locked up, and put away for a long, long time. That matters. That is what the people in law enforcement call a specific deterrent.

That person is locked up and is going to be specifically deterred from committing another crime as long as they are, in fact, locked up.

Let me turn now, Mr. President, to the third thing that matters: Technology matters. Technology will solve crimes. It matters to lock up dangerous, violent people, particularly those who use a gun. The third thing that clearly matters that we have learned from experience, if a community deploys police officers into a high-crime area, and if they are deployed correctly—call it community policing, call it whatever—but if they are deployed correctly in the community, they will, in fact, reduce crime. There is an inverse relationship between the number of police officers put out on the street and the crime, the violent crime that occurs in a given area.

President Clinton was right in regard to that basic concept. He is to be congratulated for that. I think, though, that between the rhetoric and the details, something in last year's crime bill was lost. What was lost was a dedication of those tax dollars to be targeted to our most dangerous areas.

What my bill, the bill we introduce today, is doing, is to take a finite amount of money that we have, \$5 billion, and target it to the 250 most dangerous places in this country to live, the 250 places in this country where according to the FBI's own statistics, the crime rate is the highest. We are not talking about writing bad checks. We are not talking about forgery. What we are talking about is rape, murder, armed robbery, and aggravated assault—the meanest, toughest crimes that there are. When we put that into the computer and run that and compare that then by factoring with regard to population, that is how we divided this money up.

We went further in our bill. Where the bill that was passed last year provided that this money would last for 3 years and that these police officers that the Clinton administration envisioned would be paid for 3 years, our bill pays for them for 5 full years.

In addition to that, our bill provides for full funding, at 100 percent, so the local community has no match. There is no money the local community has to put in. The Clinton bill is a 75-25-match, where the local community has to come up with 25 percent. There have been a number of communities that have had a problem with that, coming up with those dollars. In fact, in Ohio it is my understanding the city of Cincinnati, at least up until now, has not made a match to have any police officers come in under this program. So our bill targets the 250 communities in this country where the violent crime rate is the highest. Let me just give some examples of what this will actually mean. Let me just skip around the country.

In Detroit, MI, 96 police officers have been hired so far under the Clinton

plan. Our bill provides, at full funding for 5 years the hiring of 747.

Dallas, TX, 70 police officers hired so far. Our bill provides for 604 police officers to be hired.

Atlanta, GA, 38 under the Clinton bill. Ours provides for 442.

Miami, FL, only six, according to the figures that we have come up with—only six so far in Miami. Yet our bill provides for 402.

St. Louis, 23 under the Clinton plan, 386 under our plan.

Chicago, 308 under the Clinton plan, under ours 2,219.

There will be some people who have already suggested to me that maybe what you are doing makes sense but it does not make political sense because you are not spreading these police officers in every community. And that is true, we are not doing that. But I think what the American people expect us to do and what we should do is to target those police officers in those areas of the country where they are most needed. Our bill provides money to be targeted. But we also provide, for those communities that are not in that top 250 where the crime rate is the highest, additional funds over and above what the Clinton administration bill provided. We add an additional \$1.8 billion over 5 years. So those communities will have additional money, but not only additional money, they will have a great deal of flexibility so if they want to take that money and hire police officers or pay for overtime, they can do that as well.

We may say, would it not be better just to spread these police officers throughout the country? We talked about, particularly this year, the basic functions of Government. What should Government do? What should Government not do? What should the Federal Government not do? What should the State government do?

One of the basic functions of government, maybe the basic function of government—certainly the oldest function of government, going back thousands of years to the time when governments of some sort were originally formed, it may have been nothing more than a chieftain or a king or someone guaranteeing to provide safety for people—but the primary function of government is to protect people and to make a safe environment for them to live.

We have a crisis today in our inner cities. We have a crisis in many parts of our country. It is not totally, exclusively devoted to the inner cities, but the inner cities certainly provide an example of where crime is very, very high. I think we have a moral obligation to try as a country to address that problem. In 1987 the Justice Department estimated that 8 out of every 10 Americans will be victims of a violent crime at least once in their lifetime. Every year, one out of four households is victimized by a crime. An American is more likely to be injured by a violent crime than by a car accident.

So crime is a big problem and it is a big problem for all Americans. But the

crime we are talking about, the violent crime, is really heavily concentrated in certain areas. Princeton Prof. John DeJulio reports that while Philadelphia—just as an example—while Philadelphia contains only 14 percent of the population of the State of Pennsylvania, it accounts for 42 percent of the entire State's crime—an unbelievable figure. What is happening to the children who live in these high-crime areas? They are living a life, frankly, that would be unimaginable for Americans of my parents' generation.

Over 25 percent of inner-city children growing up in this country think they are likely to be shot at some point in their life—25 percent, one-fourth of these children growing up. A male teenager growing up in an inner city is at least six times more likely to be a victim of violent crime than a male teenager growing up somewhere else in the country—six times. I do not think we can give up on these young people, these young Americans. They need hope and opportunity every bit as much as any other child in this country. They need a chance. And I believe putting more police in their neighborhoods is something we can do to start giving them that chance, the chance to live without constant fear for themselves and for their families.

Let us make no mistake about it, putting more police into those crime-infested areas, the most crime-ridden areas of our country, is not going to solve all the problems of those communities. We all know that and we all have an obligation to work on the other problems—welfare reform, jobs, making sure the schools in every neighborhood in this country are good schools so the children do in fact have a chance and opportunity. But no matter what we do with our schools, no matter what we do with welfare, no matter what we do with job creation, nothing positive can really take place as long as crime does exist.

So, having community policing, having law enforcement targeted to these areas, I believe, is clearly the right thing to do. I do not think it is fair to say to that child who, because of accident of birth, happens to be growing up in an area where he or she is six times more likely to be killed than a child in a suburb, I do not think it is fair to say to that child: We cannot do anything about it. We are, for political reasons, going to spread out these police officers, these new police men and women. We are going to spread them out throughout the country because for political reasons we think we can get more votes that way for a particular bill. I do not think that is right. I think the right thing to do is to target where these police men and women go, and that is what our bill does.

Our bill does many other things. I see my colleague from Michigan is on the floor, so I am not going to speak very much longer, let me advise him. But let me say in conclusion that this bill is aimed at doing things that matter,

doing things that will make a difference, doing things that will get the job done. It is a very pragmatic bill, a very hardheaded bill. And it basically says this: If we as a Congress have made the decision, as apparently we have, that over the next 5 years we are going to spend \$30 billion on this very, very important problem, then we should spend it correctly and we should listen to the men and women who are professionals, who can tell us how to spend it: More technology, more police officers deployed correctly, and finally, taking off the streets the violent repeat career criminals.

Let me conclude by saying that I want to thank the original cosponsors of this bill, Senator ASHCROFT, Senator STEVENS, and Senator HATCH, and ask for additional cosponsors. I look forward to working with the Members of the Senate as we take these ideas that I presented today, this past week, presented in this bill, take these ideas, incorporate them with other ideas of my colleagues to come up with a final bill this year, or next year, that will in fact make a difference and will save lives, that will reduce crime.

Mr. President, thank you very much. At this point, I yield the floor.

ADDITIONAL COSPONSORS

S. 338

At the request of Mr. DASCHLE, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 338, a bill to amend title 38, United States Code, to extend the period of eligibility for inpatient care for veterans exposed to toxic substances, radiation, or environmental hazards, to extend the period of eligibility for outpatient care for veterans exposed to such substances or hazards during service in the Persian Gulf, and to expand the eligibility of veterans exposed to toxic substances or radiation for outpatient care.

S. 389

At the request of Mr. JOHNSTON, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 389, a bill for the relief of Nguyen Quy An and his daughter, Nguyen Ngoc Kim Quy.

S. 433

At the request of Mr. KERRY, the name of the Senator from Illinois [Mr. SIMON] was added as a cosponsor of S. 433, a bill to regulate handgun ammunition, and for other purposes.

S. 619

At the request of Mr. SMITH, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 619, a bill to phase out the use of mercury in batteries and provide for the efficient and cost-effective collection and recycling or proper disposal of used nickel cadmium batteries, small sealed lead-acid batteries, and certain other batteries, and for other purposes.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Idaho

[Mr. CRAIG] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Arkansas [Mr. PRYOR], the Senator from Maryland [Ms. MIKULSKI], and the Senator from New Jersey [Mr. LAUTENBERG] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 689

At the request of Mrs. MURRAY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 689, a bill to amend the Solid Waste Disposal Act regarding the use of organic sorbents in landfills, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Alabama [Mr. HEFLIN], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

SENATE CONCURRENT RESOLUTION 14—RELATIVE TO THE PANAMA CANAL

Mr. HELMS (for himself, Mr. CRAIG, Mr. COVERDELL, Mr. MACK, Mr. THOMAS, Mr. SMITH, and Mr. D'AMATO) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 14

Whereas the Panama Canal is a vital strategic asset to the United States, its allies, and the world;

Whereas the Treaty on the Permanent Neutrality and Operation of the Panama Canal signed on September 7, 1977, provides that Panama and the United States have the responsibility to assure that the Panama Canal will remain open and secure;

Whereas such Treaty also provides that each of the two countries shall, in accordance with their respective constitutional processes, defend the Canal against any threat to the regime of neutrality, and consequently shall have the right to act against any aggression or threat directed against the Canal or against the peaceful transit of vessels through the Canal;

Whereas the United States instrument of ratification of such Treaty includes specific language that the two countries should consider negotiating future arrangements or agreements to maintain military forces necessary to fulfill the responsibility of the two countries of maintaining the neutrality of the Canal after 1999;

Whereas the Government of Panama, in the bilateral Protocol of Exchange of instruments of ratification, expressly "agreed upon" such arrangements or agreements;

Whereas the Navy depends upon the Panama Canal for rapid transit in times of emergency, as demonstrated during World War II, the Korean War, the Vietnam conflict, the Cuban Missile Crisis, and the Persian Gulf conflict;